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MANUAL

FOR THE

MASSACHUSETTS

BOARD OF STATE CHARITIES.

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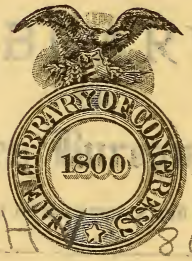

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Class No. 5
Book No. 1

Class M47
Book 1869

A

MANUAL

FOR THE USE OF THE

BOARD OF STATE CHARITIES

OF MASSACHUSETTS:

CONTAINING THE

BY-LAWS OF THE BOARD, Etc.,

AND THE

GENERAL AND SPECIAL STATUTES UNDER WHICH
ITS AUTHORITY IS EXERCISED.

Prepared by the Secretary of the Board.

BOSTON:
WRIGHT & POTTER, PRINTERS, 79 MILK STREET
(Corner of Federal.)
1869.

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PREFACE.

This Manual has been prepared for the use of the Massachusetts Board of State Charities, in compliance with instructions given to its Secretary. It is intended simply to furnish, in a comprehensive and practical form, such a codification of the laws and rules under which its members exercise their powers, as they may desire to consult in their discharge of the important trusts committed to them. Its pages are designed to embrace, by citation or reference, all enactments, including those of 1869, which confer jurisdiction on the Board, or which, in any manner, affect the various interests intrusted to its supervision.

The work might have included much other information relating to the Board and its administration, but the scope indicated by its instructions would not permit the extension, even were it desirable.

JULIUS L. CLARKE,
Secretary.

Boston, September, 1869.

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A

MANUAL

FOR THE

BOARD OF STATE CHARITIES.

PAST AND PRESENT MEMBERS OF THE BOARD.

NAME.	Residence.	Appointed.	Resigned.	Expiration of Term.
Nathan Allen,	Lowell,	Sept. 30, 1863.	– –	Sept. 30, 1864.
Otis Norcross,	Boston,	30, 1863.	Sept. 30, 1864.	– –
Robert T. Davis,	Fall River,	30, 1863.	June 12, 1864.	– –
Edward Earle,	Worcester,	30, 1863.	– –	Sept. 30, 1867.
H. B. Wheelwright,	Taunton,	30, 1863.	– –	30, 1866.
F. B. Sanborn,	Concord,	30, 1863.	– –	30, 1866.
Theodore Metcalf,	Boston,	Jan. 26, 1864.	March 1, 1866.	– –
Josiah C. Blaisdell,	Fall River,	June 14, 1864.	– –	Sept. 30, 1866.
Nathan Allen,	Lowell,	Oct. 14, 1864.	– –	30, 1869.
S. G. Howe,	Boston,	Nov. 2, 1864.	– –	30, 1865.
S. G. Howe,	Boston,	Oct. 25, 1865.	– –	30, 1870.
C. H. Warren,	Boston,	April 17, 1866.	– –	30, 1868.

H. B. Wheelwright,	Taunton,	Oct. 1, 1866.	July 4, 1868.	– –
F. B. Sanborn,	Concord,	1, 1866.	Oct. 14, 1868.	– –
Josiah C. Blaisdell,	Fall River,	1, 1866.	– –	Sept 30, 1871.
Edward Earle,	Worcester,	March 3, 1868.	– –	30, 1872.
S. C. Wrightington,	Fall River,	July 24, 1868.	– –	July 24, 1871.
Julius L. Clarke,	Newton,	Oct. 19, 1868.	– –	Oct. 19, 1871.
Moses Kimball,	Boston,	Nov. 5, 1868.	– –	Sept. 30, 1873.

THE BOARD OF STATE CHARITIES.

The Massachusetts Board of State Charities, established under the provisions of chapter two hundred and forty of the Acts of eighteen hundred and sixty-three, was organized on the seventh of October, in the same year. It consists of seven members, five of whom are appointed for five years, their official terms being so graduated that one expires every year. The Secretary and General Agent, its only salaried members, are appointed for three years, and perform their duties under the control and direction of the Board.

The authority under which it acts may be found in the several statutes following the Analytical Index, in this Manual. Its duties are the general supervision of the Charitable, Reformatory and Correctional Institutions supported wholly, or in part, by the Commonwealth, or the several counties thereof, and an investigation into their actual condition and results.

Upon the Secretary and General Agent, the chief executive officers of the Board, are imposed manifold duties, only a few of which can be indicated, and that very briefly, in this connection. The Secretary undertakes the general duty of investigating and reporting the condition of the Commonwealth in regard to Pauperism, Crime,

Disease and Insanity; and is particularly directed by the Board to examine Prison and Pauper Returns, including those from cities and towns. The General Agent possesses the powers and performs the duties, (under the direction of the Board,) of the former Chairman of Alien Commissioners, and the Superintendents of Alien Passengers for the several maritime ports of the Commonwealth.

The business of these two officers of the Board is transacted at the following places: that of the Secretary, at his office, in the State House; that relating to alien passengers and the removal of paupers, at No. 59 Long Wharf; and the other business of the General Agent, at his office, in the State House.

There is also in connection with the Board, a Visiting Agent, whose duty is to superintend the disposal and protect the rights and interests of children maintained wholly, or partially, by the Commonwealth; or who have been indentured, given in adoption, or placed in charge of any family or person, by the authorities of any State Institution. This officer is appointed for one year, as provided by chapter four hundred and fifty-three of the Acts of eighteen hundred and sixty-nine, and performs his duties under the supervision of the Board.

A Bureau for the investigation and settlement of claims for the support and burial of State paupers by cities and towns, is in charge of an officer appointed by the Board, in accordance with chapter twelve of the Acts of eighteen hundred and sixty-nine.

GENERAL AND SPECIAL LAWS.

The following Digest of the General and Special Laws relating to the several Departments of Charity, Reform and Correction supervised by the Board of State Charities, includes only such Acts and parts of Acts as are now in force, or necessary, if repealed, to indicate and explain the jurisdiction transferred or re-delegated under the provisions of subsequent legislation.

The Statutes upon which the organic law establishing the Board of State Charities is based, are first cited in their chronological order; and all subsequent Acts pertaining to its powers and duties are afterwards given, the latter being so classified and indexed as to combine, as far as possible, in their proper connection, all provisions affecting the particular branches of public service over which the Board exercises supervisory power; while to the whole are appended such marginal and other references as seem to be required.

The Acts referred to at the bottom of the pages upon which the Analytical Index is printed, will be found upon the succeeding pages of this Manual, as there cited.

The Appendix, at the end of the Manual, includes some additional Acts and references which the Board may desire to consult, in connection with those in which their official duties are directly set forth.

WORKHOUSES AND ALMSHOUSES.

[General Statutes, Chapter 22.]

Cities and towns may provide workhouses and almshouses. Persons may be committed thereto. 1863, c. 240. 1866, c. 198. 1869, c. 258.

SECT. 1. A city or town may erect or provide a workhouse or almshouse for the employment and support of poor and indigent persons who are maintained by or receive alms from the city or town; persons who, being able of body to work and not having estate or means otherwise to maintain themselves, refuse or neglect to work; persons who live a dissolute, vagrant life, and exercise no ordinary calling or lawful business; persons who spend their time and property in public houses to the neglect of their proper business, or who, by otherwise misspending what they earn, to the impoverishment of themselves and their families, are likely to become chargeable to the city or town; and other persons sent thereto under any provision of law.

* * * * * * * * *

Masters to keep registers of persons committed, &c. 1864, c. 307. 1866, c. 198. 1869, c. 258.

SECT. 17. The master of each workhouse and almshouse shall keep a register of the names of the persons committed or received, the places to which they belong, the dates of their reception and discharge, and of their respective earnings, to be submitted to the overseers of the poor upon their request.

* * * * * * * * *

How persons may be discharged. 1863, c. 240. 1866. c. 198. 1869, c. 258.

SECT. 20. No person committed to the workhouse shall be discharged within the time for which he was committed, except by the police court or justice who made the commitment, the directors of the house at their general or quarterly meeting, or by the superior court, at any term held in the county where such house is situated, for good cause shown upon application for that purpose.

Persons committed to be kept employed. Discipline 1866. c 198. 1869, c. 258.

SECT. 21. Every person committed to a workhouse shall, if able to work, be kept diligently employed in labor during the term of his commitment. If he is idle and does not perform such reasonable task as is assigned, or is stubborn and disorderly, he shall be punished according to the orders and regulations established by the directors.

Provisions respecting

SECT. 22. When a person not having a legal settlement in this state shall become idle or indigent, he may

be committed to the workhouse to be there employed, if able to labor, in the same manner and under the same rules as other persons there committed. foreigners committed. 1866, c. 198. 1869, c. 258.

* * * * * * * * *

SETTLEMENT OF PAUPERS.

[General Statutes, Chapter 69.]

SECT. 1. Legal settlements may be acquired in any city or town, so as to oblige such place to relieve and support the persons acquiring the same, in case they are poor and stand in need of relief, in the manner following, and not otherwise, namely:— Settlements, how acquired. 1862, c. 184. 1863, c. 240. 1865, c. 230. 1866, c. 288. 1868, c. 328.

First. A married woman shall follow and have the settlement of her husband, if he has any within the state; otherwise her own at the time of marriage, if she then had any, shall not be lost or suspended by the marriage. —by married women.

Second. Legitimate children shall follow and have the settlement of their father, if he has any within the state, until they gain a settlement of their own; but if he has none they shall in like manner follow and have the settlement of their mother, if she has any. —by legitimate children.

Third. Illegitimate children shall follow and have the settlement of their mother at the time of their birth, if she then has any within the state; but neither legitimate nor illegitimate children shall gain a settlement by birth in the place where they may be born, if neither of their parents then has a settlement therein. —by illegitimate children.

Fourth. Any person of the age of twenty-one years, being a citizen of this or any other of the United States, and having an estate of inheritance or freehold in any place within the state, and living on the same three years successively, shall thereby gain a settlement in such place. —by living on freehold estate. 1868, c. 328.

Fifth. Any person of the age of twenty-one years, being a citizen of this or any other of the United States, and having an estate, the principal of which shall be set at two hundred dollars or the income at twelve dollars in the valuation of estate made by assessors, and being assessed for the same, to state, county, city or town taxes, for five years successively in the place where he dwells and has his home, shall thereby gain a settlement therein. —by being assessed. 1868, c. 328.

—by serving one year in town offices.

Sixth. Any person being chosen and actually serving one whole year in the office of clerk, treasurer, selectman, overseer of the poor, assessor, constable or collector of taxes, in any place, shall thereby gain a settlement therein. For this purpose a year shall be considered as including the time between the choice of such officers at one annual meeting and the choice at the next annual meeting, whether more or less than a calendar year.

Settlement acquired by ministers.

Seventh. Every settled ordained minister of the gospel shall be deemed to have acquired a legal settlement in the place wherein he is or may be settled as a minister.

—by persons admitted inhabitants by vote.

Eighth. Any person admitted an inhabitant by any place at a legal meeting, held under a warrant containing an article for that purpose, shall thereby acquire a legal settlement therein.

—by incorporation of an unincorporated place. 1868, c. 328.

Ninth. Any citizen of this or any other of the United States, dwelling and having his home in any unincorporated place at the time it is incorporated into a town, shall thereby acquire a legal settlement therein.

—where to be upon division or incorporation of town.

Tenth. Upon the division of a city or town, every person having a legal settlement therein, but being absent at the time of such division and not having acquired a legal settlement elsewhere, shall have his legal settlement in that place wherein his last dwelling-place or home happens to fall on such division; and when a new city or town is incorporated, composed of a part of one or more incorporated places, every person legally settled in the places of which such new city or town is so composed, and who actually dwells and has his home within the bounds of such new city or town at the time of its incorporation, shall thereby acquire a legal settlement in such new place: *provided*, that no person residing in that part of a place which upon such division shall be incorporated into a new city or town, having then no legal settlement therein, shall acquire any by force of such incorporation only; nor shall such incorporation prevent his acquiring a settlement therein, within the time and by the means by which he would have gained it there if no such division had been made.

—by serving apprenticeship four years.

Eleventh. A minor who serves an apprenticeship to a lawful trade for the space of four years in any place, and actually sets up such trade therein within one year after the expiration of said term, being then twenty-one years old, and continues there to carry on the same for five years, shall thereby gain a settlement in such place; but being hired as a journeyman shall not be considered as setting up a trade.

Twelfth. Any person of the age of twenty-one years, being a citizen of this or any other of the United States, who resides in any place within this state for ten years together, and pays all state, county, city or town taxes, duly assessed on his poll or estate for any five years within said time, shall thereby gain a settlement in such place. —by residence and paying taxes. 1868, c. 328.

SECT. 2. No person who has begun to acquire a settlement by the laws in force at or before the time when this chapter takes effect, in any of the ways in which any time is prescribed for a residence, or for the continuance or succession of any other act, shall be prevented or delayed by the provisions of this chapter; but he shall acquire a settlement by a continuance or succession of the same residence or other act in the same time and manner as if the former laws had continued in force. Provisions for persons who have begun to acquire settlements. 1862, c. 184. 1865, c. 230. 1866, c. 288. 1868, c. 328.

SECT. 3. Every legal settlement shall continue till it is lost or defeated by acquiring a new one within this state; and upon acquiring such new settlement all former settlements shall be defeated and lost. Settlements to continue until, &c. 1862, c. 184. 1865, c. 230. 1866, c. 288. 1868, c. 328.

SUPPORT OF PAUPERS BY CITIES AND TOWNS.

[General Statutes, Chapter 70.]

* * * * * * * * *

SECT. 3. The overseers of the poor shall have the same power and authority over persons placed under their care, which directors or masters of workhouses have over persons committed thereto. Powers and duties of overseers of the poor. 1863, c. 240. 1866, c. 198. 1869, c. 258.

* * * * * * * * *

SECT. 21. Upon the death of a pauper, who at the time of his decease is actually chargeable to any place within this state, the overseers of the poor of such place may take possession of all his real and personal property; and if administration is not taken upon his estate within thirty days after his decease, the overseers may in their own names sell and convey so much thereof as may be necessary to repay the expenses incurred for the pauper. If any part of such property is withheld from said overseers, they may in their own names sue for and recover possession of the real estate, and shall have the same remedy for the recovery of the personal estate or its value, that an administrator might have in like case. Overseers of poor may sell estate of deceased paupers and apply proceeds to reimburse expenses.

* * * * * * * * *

ALIEN PASSENGERS AND STATE PAUPERS.

[General Statutes, Chapter 71.]

BOARD OF ALIEN COMMISSIONERS.

Board of alien commissioners, how constituted. 1863, c. 159, 240. 1866, c. 272, 292. 1869, c. 251.

SECT. 1. There shall be a board of commissioners in relation to alien passengers and state paupers constituted as follows: One person appointed by the governor and council, the auditor of accounts of the Commonwealth, and the superintendent of alien passengers for the city of Boston, which board shall superintend the execution of all laws in relation to the introduction of aliens into the Commonwealth and the support of state paupers therein.

Commissioner appointed by governor. Term of office. 1863, c. 240, § 6.

SECT. 2. The present appointed member of the board shall continue to hold his office according to the tenor of his commission, and at the expiration of his term of office, and whenever a vacancy occurs, the governor, with the advice and consent of the council, shall appoint some suitable person to hold the office for three years.

Commissioners may appoint persons to visit almshouses.

SECT. 3. The commissioners may appoint one or more persons, who shall at least once in every year visit all the almshouses or places where state paupers are supported, and ascertain from actual examination and inquiry whether the laws in respect to such paupers are properly regarded, particularly in relation to such as are able to labor; and if infractions of the law are discovered, make immediate report thereof to the commissioners. The commissioners shall give such directions as shall insure correctness in the returns required in relation to paupers, and may use such means as are necessary to collect all desired information in relation to their support.

—to give directions in relation to pauper returns, &c. 1863, c. 240, § 6.

Commissioners to appoint agents to procure information respecting foreigners arriving in this State. 1863, c. 240, § 6. 1866, c. 272, § 1.

SECT. 4. They shall appoint one or more persons, to be approved by the governor and council, who shall ascertain the names of all foreigners brought into this state by any conveyance by land, or by any lines of communication established for the regular transportation of passengers by water, not extending beyond or stopping at places without the United States, and also procure such further information in relation to such foreigners as is practicable in order to identify them if they should hereafter become a public charge. All officers and agents of railroad corporations, and proprietors or agents of other means of conveyance, shall furnish the agents of

the Commonwealth, when so required, with the information above named so far as in their power, by filling up blanks to be furnished them for that purpose. If any of said persons refuse or neglect to furnish such information when requested, they shall be punishable by fine not less than twenty dollars for each person in relation to whom the information is withheld.

—to prescribe form of certificates to be used in sending paupers to state almshouses. 1860, c. 83. 1863, c. 240, § 6.

SECT. 5. They shall prescribe to the superintendent of each state almshouse and of the hospital at Rainsford Island, the forms for statistical returns to be made by them in their annual report, in relation to the sex, age and nativity of the inmates, and the places from whence they were sent. They shall also prescribe the form of certificates required of mayors of cities, or overseers of the poor of towns, when a pauper is sent therefrom to either of the state almshouses; which certificate shall contain such inquiries in relation to the age, parentage, birthplace and former residence of, and other facts relating to, the pauper, as they may deem necessary, to which mayors and overseers of the poor shall render true answers as far as they are able, before the pauper is received into the almshouse. The several cities and towns shall be furnished with blank forms of said certificate by the commissioner.

Powers of, in relation to paupers at hospitals. 1863, c. 240, § 6.

SECT. 6. They shall have the same powers to bind as apprentices minors who are inmates of the hospital at Rainsford Island, and in relation to state paupers who are inmates of the same, or of either of the lunatic hospitals in this state, and their property, as are by law vested in towns and overseers of the poor in reference to paupers supported or relieved by towns.

May transfer inmates of state almshouses, &c. 1860, c. 83. 1863, c. 240, §§ 4, 6.

SECT. 7. The inmates of a state almshouse, state lunatic hospital, or the hospital at Rainsford Island, may be transferred from one institution to another, or sent to any state or place where they belong, by the board or their order, when the public interest or the necessities of the inmates require such transfer; but no patient shall be transferred or discharged from a state lunatic hospital without the concurrence of the trustees thereof.

May commute bonds. 1863, c. 240, § 6.

SECT. 8. They may commute the bonds taken by superintendents of alien passengers, on such terms as in their judgment will best promote the interest of the state.

To make annual report. 1863, c. 240, § 6.

SECT. 9. They shall annually, on or before the fifteenth day of October, make a report of their doings to the governor and council, to be laid before the legislature, and shall therein make such suggestions in relation to the present or other plans for the support of paupers as may occur to them.

Compensation of, &c. 1863, c. 240, § 6.

SECT. 10. They shall receive such compensation for their services as the governor and council may deem reasonable; and the agents appointed by them, such compensation as may be fixed by the commissioners, not exceeding four dollars for each day they are employed, together with their necessary expenses for board and travel, to be paid quarter-yearly.

ALIEN PASSENGERS.

Superintendents of alien passengers, how appointed, qualified, and paid. 1863, c. 240. 1866, c. 272, 292. 1869, c. 251.

SECT. 11. The governor, with the advice and consent of the council, shall, when necessary, appoint and commission in each maritime place some suitable person to be superintendent of alien passengers therefor, who, before entering upon the duties of his office, shall be sworn, and give bond, with sufficient sureties for the performance thereof, to the treasurer of the Commonwealth, in such sum as shall be specified in his commission, and he shall hold his office until another is appointed, commissioned and qualified in his stead. The superintendent for the city of Boston shall receive a salary of two thousand dollars a year for his services as such superintendent and as a member of the board of alien commissioners; and the superintendent for any other place, such a salary as the governor and council may determine, not exceeding the amount of alien passenger money received by him; and the salary of each shall be expressed in his commission.

Duties of. 1863, c. 240, § 6. 1866, c. 292, § 1.

SECT. 12. Each superintendent shall from time to time designate places for the examination of vessels as hereafter mentioned, and shall require the pilots of the ports of his city or town to anchor such vessels at the places so designated, there to remain until such examination is had. Any pilot who refuses or neglects to perform said duty, or who through negligence or design permits any alien passenger to land before such examination, shall forfeit not less than fifty nor more than two thousand dollars.

Same subject. 1863, c. 240, § 6.

SECT. 13. The superintendents shall have the care and oversight of all matters arising under the four following sections in the cities or towns for which they are appointed; and when a breach of any provision thereof comes to their knowledge, they shall, with the advice of the district-attorney for their district, institute prosecutions for the forfeitures incurred.

To board vessels arriving, with alien passengers, &c.

SECT. 14. When a vessel which does not belong to a line of communication established for the regular transportation of passengers by water, and not extending

beyond or stopping at places without the limits of the United States, arrives at any port or harbor within this state, with alien passengers on board, who have never before been within the state, or who if so, were a public charge as lunatics or paupers, the superintendent of the place where it is intended to land such passengers shall go on board such vessels, and examine into the condition of such passengers; and the master or commanding officer of the vessel shall, within twenty-four hours after such arrival, make a report in writing under oath to said superintendent, of the name, age, sex, occupation, place of birth, last place of residence, and condition of every such passenger; and none of them shall be landed or permitted to land, except as is hereinafter provided, until such report is made. 1863, c. 240, § 6. 1866, c. 292, § 1.

Certain passengers not to be landed until bond is given, &c. 1863, c. 240, § 6.

SECT. 15. No insane, idiotic, deaf and dumb, blind, deformed or maimed person among said passengers, or alien who has before been a public charge within this state shall be permitted to land until the master, owner, consignee or agent of such vessel makes and delivers to said superintendent a bond to the Commonwealth for each of said persons, with satisfactory sureties in the sum of one thousand dollars, conditioned that such passengers shall not, within ten years from the date thereof, become a city, town or state charge. And no other passenger shall be permitted to land until a bond is given as aforesaid in the sum of three hundred dollars, conditional that he shall not become a charge as aforesaid within five years from the date thereof; but in lieu of the bond last mentioned, the superintendent may receive from said master, owner, consignee or agent, such sum, not less than two dollars, as in his judgment is sufficient to cover the risk incurred by the Commonwealth in permitting such passenger to be landed; and the names of all such passengers shall be certified by the superintendent on the back of the report: *provided*, that if any passenger arriving as aforesaid is so sick or destitute as to require relief, and the master refuses to report him, or if said master, owner, consignee or agent refuses to give such bond, the superintendent may permit such passenger to be landed; and if the Commonwealth or any place is put to expense for his support, sickness or burial within ten years of the time he is so landed, the Commonwealth or such place may, in an action of contract, recover the amount of all such expenses of said master, owner, consignee or agent, who shall also severally forfeit the sum of five hundred dollars for every passenger so landed.

Superintendent may receive money in lieu of bond, &c.

Sick and destitute passengers may be landed without bond, &c.

Head money paid, to be refunded in certain cases. 1863, c. 240, § 6.

SECT. 16.* When a master, owner, consignee or agent has paid to the superintendent the sum of two dollars for the landing of an alien passenger, the superintendent shall refund said sum upon receiving satisfactory evidence within thirty days that the passenger left the state within forty-eight hours after such payment; and he shall state the amounts so refunded in his quarterly accounts.

Bond may be taken.

How cancelled. 1863, c. 240, § 6.

SECT. 17.* The superintendent of alien passengers, instead of receiving the payment of two dollars as aforesaid, may in any case take a bond, with sufficient sureties, for such payment; and on proof that the passenger left the state within forty-eight hours after giving such bond, the superintendent shall cancel it.

Party to whom head money is repaid, &c., liable if passenger returns. 1863, c. 240, § 6.

SECT. 18.* If an alien passenger on whose account the commutation money has been refunded or bond cancelled as provided in the two preceding sections, within five years thereafter returns into this state and becomes a public charge, the party who paid the commutation money or gave the bond, shall become liable to the Commonwealth for the expenses of such passenger's support, to the same extent as if a bond in the penal sum of three hundred dollars had been taken upon the first landing of such alien.

Consuls, &c., and persons in distress not affected hereby. 1863, c. 240, § 6.

SECT. 19. The preceding provisions shall not extend to seamen sent from foreign ports by consuls or vice-consuls of the United States, nor to ambassadors, consuls or public ministers, or other persons representing foreign states, nor to persons coming on shore from vessels in distress, nor to any alien passenger taken from a wreck where life is in danger.

Penalty for landing aliens except at port of destination. 1863, c. 240, § 6.

SECT. 20. If the master or commanding officer of a vessel lands an alien passenger at any place within this state other than that to which such vessel is destined, with intent to avoid the requirements of this chapter, he shall forfeit one hundred dollars for every passenger so landed.

—or without complying with provisions of this chapter. 1863, c. 240, § 6.

SECT. 21. If the master or commanding officer of a vessel lands, or permits to be landed in this state any alien passenger without complying with the provisions of this chapter, he and the owner or consignee of the vessel shall severally forfeit five hundred dollars for every passenger so landed.

—for landing convicts, &c., from other States. 1863, c. 240, § 6.

SECT. 22. If the master or other person having charge of a vessel, therein brings to and lands, or suffers to be landed within this state a person convicted in any other

* Repealed.

state or in a foreign country of an infamous crime, or a crime for which he has been sentenced to transportation, knowing of such conviction or having reason to suspect it, or a person of a notoriously dissolute, infamous and abandoned life and character, knowing him to be such, he shall for every offence forfeit a sum not exceeding five hundred dollars.

Superintendents to make reports, render accounts, &c. 1863, c. 240, § 6.

SECT. 23. Every superintendent of alien passengers shall, on the third Wednesdays of January, April, July and October of each year, render to the treasurer of the Commonwealth a detailed account of all the money received and expended by him and his assistants under the provisions of this chapter, up to the first days of said months; and after deducting therefrom the salary due to him up to the time to which said quarterly accounts extend, shall pay the balance into the treasury.

Overseers of poor, when to perform duties of superintendents. 1863, c. 240, § 6.

SECT. 24. The overseers of the poor in any place where there is no superintendent of alien passengers, or where such superintendent is unable to perform his duties by reason of absence or ill health, shall perform the duties and exercise the authorities of superintendents; and shall in like manner render their accounts to the state treasurer and pay over the money received, deducting therefrom a reasonable compensation for their services.

Persons bringing foreigners into State, liable for support, &c., in certain cases. 1863, c. 240, § 6 1866, c. 272, § 1.

SECT. 25. If a foreigner brought into this state in the manner specified in section four, falls sick or from any other cause becomes a public charge within one year thereafter, the Commonwealth or any place incurring expenses for his support, sickness or burial, may in an action of contract recover the amount of such expenses of the corporation or party by whose means the person was brought into the state: *provided*, that the party so liable shall be notified of his liability in each case as soon as practicable, in order that such party may, if so disposed, provide means of support or removal.

* * * * * * * * *

STATE ALMSHOUSES AND STATE PAUPERS.

Inspectors of State almshouses, appointment, duty, and salary of. 1863, c 240. 1864, c. 288, § 10.

SECT. 32. The governor, with the advice and consent of the council, shall appoint for each of the state almshouses a board of three inspectors residing in the immediate vicinity thereof, subject to removal only for sufficient cause, and one member at least of each board shall be appointed annually. The inspectors shall, subject to the approval of the governor, establish rules and regulations

1866, c. 198, §§ 1, 2, 3. 1866, c. 209, §§ 1, 4, 8, 9. 1862, c. 212.

for the proper management and government of said almshouses, and shall see that such rules and regulations are enforced; and each almshouse shall be visited by one inspector at least, once in each week. They shall receive an annual salary of one hundred dollars each, together with their necessary travelling expenses.

Inspectors to have certain powers of overseers of poor, &c. 1864, c. 288, § 10 1866, c. 198, §§ 1, 2, 3. 1866, c. 209, §§ 1, 4, 8, 9.

SECT. 33. The inspectors shall have the same power to bind as apprentices, minors who are inmates of the institution under their charge, to cause the inmates of said institution to be returned to the place or country from which they came, and to remove insane persons to the state lunatic hospital, as is vested in overseers of the poor.

Superintendent. Salary, bond, &c. 1864, c. 288, § 10. 1866, c. 198, §§ 1, 2, 3. 1866, c. 209, §§ 1, 4, 8, 9.

SECT. 34. The governor, with the advice and consent of the council, shall appoint a superintendent of each of said institutions, whose salary, subject to the approval of the governor, shall be fixed by the inspectors thereof, and who shall receive no other compensation or perquisite for his services, except the right to reside with his family in the building under his care. He shall give bond to the treasurer of the Commonwealth for the faithful performance of his duties, in such sum as shall be designated by the rules and regulations of the inspectors, and with sufficient surety or sureties to the acceptance of said inspectors, and subject to the approval of the governor.

To receive paupers, &c. 1860, c. 83. 1864, c. 288, § 10. 1866, c. 198, §§ 1, 2, 3. 1866, c. 209, §§ 1, 4, 8, 9.

SECT. 35. Said superintendents shall receive all paupers sent with a proper certificate from the mayor of any city or one of the overseers of the poor of any town, and provide for them under the rules and regulations herein provided.

Cities and towns may send State paupers to State almshouses, &c. 1860, c. 83. 1863, c. 159. 1864, c. 288, § 10. 1865, c. 162, § 1. 1865, c. 230, § 2. 1866, c. 198, §§ 1, 3, 5, 10. 1866, c. 209, §§ 1, 4, 8, 9.

SECT. 36. The several cities and towns may, at their own expense, send to said almshouses, to be maintained at the public charge, all paupers who may fall into distress therein, not having a settlement within the Commonwealth; that is to say, the cities and towns in the counties of Suffolk, Middlesex and Essex, may send such persons to the state almshouse at Tewksbury; the cities and towns in the counties of Norfolk, Bristol, Plymouth, Barnstable, Nantucket and Dukes County, to the state almshouse at Bridgewater; and the remaining cities and towns, to the state almshouse at Monson: *provided*, that the alien commissioners may direct the mayor of any city or the overseers of the poor of any town, to send such paupers to either of the state almshouses; and if any place is so directed to send a pauper to a greater distance than would be required by the preceding provisions of

this section, the necessary additional expense shall be paid by the state.

Not to send lunatics who are dangerous.

Inmates becoming furiously mad may be sent to State lunatic hospitals.

1864, c. 288, § 10.
1866, c. 198, §§ 1, 3, 5, 10.
1866, c 209, §§ 1, 4, 8, 9.

SECT. 37. No city or town shall send to either almshouse any person who, by reason of insanity, would be dangerous if at large. And if an inmate of such establishment becomes so insane, the inspectors thereof may apply to the judge of a police court, or any two justices of the peace and the quorum, in the county in which the institution is situated, who shall have the same power and authority in regard to such application and the commitment of such persons to either of the state lunatic hospitals, as judges of probate courts have in regard to lunatics furiously mad: *provided*, that it shall not be necessary to give notice of such application to the officers of any place.

Idiots having no known settlement may be sent to State almshouse.

SECT. 38. When it is made to appear on application in writing to any two justices of the peace, one of whom shall be of the quorum, or to a police court, that any person having no known settlement in this state is idiotic and ought to be confined, said justices or court shall send such person to the nearest state almshouse, there to be supported, governed and employed, in the same manner as persons sent thereto by overseers of the poor.

1864, c. 288, § 10. 1866, c. 198, §§ 1, 3, 5. 1866, c. 209, §§ 1, 4, 8, 9.

Fees allowed to officers, &c., in such cases.

SECT. 39. In any case arising under the preceding section, all magistrates, officers and witnesses shall receive the same fees and compensation for services performed, and for travel and attendance, as are allowed by law for like services in criminal proceedings, to be taxed, allowed and paid in the same manner.

1864, c. 288, § 10. 1866, c. 198, §§ 1, 3, 5. 1866, c. 209, §§ 1, 4, 8, 9.

* * * * * * * * *

Convicts too sick to be removed, how to be provided for.

SECT. 42. Any convict who, at the legal expiration of his imprisonment, is in a condition, from bodily infirmity or disease, to render his removal as aforesaid impracticable, shall be provided for and receive such treatment, in the state prison, jail or house of correction, as the exigency of the case may require, until he is in a condition to be removed according to the provisions of section forty.

1864, c. 169.
1866, c. 198, §§ 1, 3, 5.
1864, c. 288, § 10.
1866, c. 209, §§ 1, 4, 8, 9.

Husband and wife not to be separated.

SECT. 43 When the operation of any provisions of law in relation to poor and indigent persons might cause a separation of husband and wife by reason of her having a legal settlement in some place in the Commonwealth, he being a state pauper, both parties may be supported

at the almshouse of the place where she has a legal settlement.

1861, c. 94, § 1. 1864, c. 288, § 10. 1866, c. 198, §§ 1, 3, 5. 1866, c. 209, §§ 1, 4, 8, 9. 1866, c. 234, § 1.

Expense of supporting State pauper in such case, how paid, &c.

SECT. 44. The expense of thus supporting the person who is such state pauper shall be paid by the Commonwealth, and the accounts therefor shall be audited and allowed by the inspectors of the state almshouse to which such pauper would otherwise belong, reference being had to the expense of supporting such person at the state almshouse, if there committed.

1861, c. 94, § 2. 1864, c. 288, § 10. 1866, c. 198, §§ 1, 3, 5. 1866, c. 209, §§ 1, 4, 8, 9. 1866, c. 234, § 2.

When either almshouse is full, inmates to be distributed.

SECT. 45. When either of the state almshouses is full of inmates, the superintendent thereof shall report the fact to the alien commissioners, who shall distribute the paupers who cannot be provided for therein, among the other state pauper establishments, in such manner as shall be most convenient.

1864, c. 288, § 10. 1866, c. 198, §§ 1, 3, 5. 1866, c. 209, §§ 1, 4, 8, 9.

When all are full, towns, &c., to take charge of State paupers at expense of State. 1864, c 288, § 10 1866. c. 198, §§ 1, 3. 5. 1866, c. 209, §§ 1, 4, 8, 9.

SECT. 46. When by reason of all the state almshouses being full, a city or town is unable to obtain admission for a state pauper, such place shall take charge of the pauper until notified by the superintendent to whom application for admission has been made, that the pauper can be received. The superintendent shall give notice by mail when the pauper can be received, having regard in so doing to the priority of applications; and until notice is given, the city or town shall receive payment for the support of the pauper from the treasury of the Commonwealth.

Powers of inspectors as to inmates and property.

SECT. 47. The inspectors of the several state almshouses shall have the same powers in relation to the paupers who are inmates of the same, and their property, as are vested in towns and the overseers of poor in reference to paupers supported or relieved by towns, to be exercised in the same manner.

1864, c. 288, § 10. 1866, c. 198, §§ 1, 3, 5. 1866, c. 209, §§ 1, 4, 8, 9.

Superintendents may contract for employment of inmates. 1864, c. 288, § 10 1866, c. 198, §§ 1. 3, 5 1866, c. 209, §§ 1, 4, 8, 9.

SECT. 48. The superintendent of each state almshouse, with the consent of the inspectors, may contract with any person for the employment of any inmate thereof in any kind of lawful labor, for such wages or on such terms as the superintendent and inspectors approve. When a contract is so made, such inmate shall be discharged from the institution, and if he refuses to avail himself of the employment offered, shall forfeit all claim to support as a state pauper.

Towns liable for support of their paupers in State almshouses. 1864, c. 288, § 10. 1865, c. 230, § 1. 1866, c. 198, §§ 1, 3, 5. 1866, c. 209, §§ 1, 4, 8, 9.

SECT. 49. If a pauper having a legal settlement in any place becomes an inmate of either of said almshouses, such place shall be liable to the Commonwealth for the expense incurred for him, in like manner as one town is liable to another in like cases; and the same measures shall be adopted by the inspectors, in regard to notifying towns so liable, the removal of the pauper, and the recovery from towns of expenses incurred for him, as are prescribed for towns in like cases.

Liability of kindred for support of such paupers.

SECT. 50. The kindred who are liable by law to towns for expenses in supporting such paupers, shall in like manner be liable to the Commonwealth for any expense incurred for such paupers; and the inspectors may adopt the same measures and institute like legal proceedings for the recovery of such expenses of the kindred so liable, as are prescribed for towns in like cases.

1864, c. 288, § 10. 1866, c. 198, §§ 1, 3, 5. 1866, c. 209, §§ 1, 4, 8, 9.

Punishment for leaving almshouses without consent, and found begging.

SECT. 51. If an inmate of either of said almshouses, above the age of sixteen years, leaves the same without the consent of the inspectors thereof, and within one year thereafter is found within any city or town soliciting public or private charity, he shall be punished by confinement to hard labor in the house of correction for the county within which he is so found, for a term not exceeding three months.

1864, c. 288, § 10. 1866, c. 198, §§ 1, 3, 5. 1866, c. 209, §§ 1, 4, 8, 9.

Foreign paupers may be carried where they belong. 1864, c. 288, § 10. 1866, c. 198, §§ 1, 3, 5. 1866, c. 209, §§ 1, 4, 8, 9. 1868, c. 328, § 2.

SECT. 52. Any justice of the superior court, trial justice or police court, upon complaint of the overseers of the poor of any place, or of a superintendent of alien passengers, in term time or vacation, may, by warrant directed to a constable or other person therein designated, cause any pauper not born nor having a settlement in this state, who may conveniently be removed, to be conveyed at the expense of the state to any other state, or, if not a citizen of the United States, to any place beyond sea where he belongs.

So may State lunatic paupers. 1864, c. 288, § 10. 1866, c. 198, §§ 1, 3, 5. 1866, c. 209, §§ 1, 4, 8, 9. 1868, c. 328, § 2.

SECT. 53. Upon complaint of the trustees of any state lunatic hospital, the county commissioners of a county, the inspectors of a state pauper establishment, or the overseers of the poor of a place, a judge of the probate court shall have the same powers as are given by the preceding section, to cause the removal of state lunatic paupers under their charge to any other state or beyond sea where they belong.

Inspectors to audit superintendents' accounts,

SECT 54. The inspectors of the several state almshouses shall audit all the accounts of the superintendents of their respective institutions, and shall report to the

and make reports. 1864, c. 288, § 10. 1866, c. 198, §§ 1, 3, 4, 5. 1866, c. 209, §§ 1, 4, 8, 9.

governor and council on or before the fifteenth day of October annually, the state of the institution under their charge, and the expenses in detail for said institution for the year ending on the last day of the preceding month, with a list of the salaried officers and their salaries, and in a tabular form, under the heads specified in section eleven of chapter five, the value of the stocks and supplies.

Accounts for maintenance of almshouses, how and when paid. 1864, c. 288. § 10. 1866, c. 198, §§ 1, 3, 4, 5. 1866, c. 209, §§ 1, 4, 8, 9.

SECT. 55. All accounts for the maintenance of the state almshouses and the support of their inmates, shall after they have been approved by the inspectors, be presented to the state auditor at the close of each month and paid from the treasury of the Commonwealth: *provided*, that if the inspectors deem it necessary, a warrant may be drawn by the governor on the treasurer of the Commonwealth in favor of the superintendent, for a sum not exceeding five hundred dollars, to enable him to make purchases during the month; said sum to be accounted for to the auditor prior to the advance of any further amount.

Allowance for State paupers.

SECT. 56. Nothing shall be allowed from the treasury of the Commonwealth to any county, city or town for expenses incurred on account of any state pauper, except in cases expressly provided by law.

1864, c. 288, § 10. 1866, c. 198, §§ 1, 3, 4, 5. 1866, c. 209, §§ 1, 4, 8, 9.

Accounts of counties, &c., how audited. 1864, c. 288, § 10. 1866, c. 198, §§ 1. 3. 4, 5. 1866, c. 209, §§ 1, 4, 8, 9.

SECT. 57. All accounts against the Commonwealth for allowance to counties, cities and towns on account of state paupers, shall be rendered to the board of alien commissioners on or before the third Wednesday of January annually; and shall be so made as to include all claims for such charges up to the first day of said January; and if approved by said board, and certified by the auditor of accounts, shall be paid from the treasury of the Commonwealth. The commissioners may require such accounts to be accompanied with such statement of particulars and facts, and substantiated by such affidavits as may seem to them proper.

MAINTENANCE OF BASTARD CHILDREN.

[General Statutes, Chapter 72.]

Complaint, how to be made.

SECT. 1. When a woman who has been delivered of a bastard child, or is pregnant with a child, which if born

alive may be a bastard, makes a complaint to a justice of the peace or police court, and desires to institute a prosecution against the person whom she accuses of being the father of the child, the justice or court shall take her accusation and examination in writing under oath, respecting the person accused, the time when and place where the complainant was begotten with child, and such other circumstances as the justice or court deems necessary for the discovery of the truth of such accusation. The justice or court may institute a warrant against the party accused, returnable before the same or any other justice or court having jurisdiction thereof in the county. The warrant shall run throughout the state, and any officer to whom it is directed may serve it and apprehend the defendant in any county. 1863, c. 240. 1866, c. 292.

SECT. 2. If a woman entitled to make a complaint refuses or neglects so to do when requested by an overseer of the poor of the place where she resides or has her settlement, or one of the alien commissioners, the superintendent of a state almshouse, or of the hospital at Rainsford Island, or a person authorized by either of them to make the request, or either of her parents, or her guardian, the person so requesting may make the complaint; and when already made, if she refuses or neglects to prosecute the same, either of said persons may prosecute the case to final judgment, for the benefit of the parent, guardian, city, town or state. In such cases the bond shall be made to the party for whose benefit the complaint is made or prosecuted. Who may complain, &c., if woman refuses.

SECT. 3. When a woman is an inmate of either of the state almshouses, a complaint by her or in her behalf may be made either in the county where she then is or where she last had her usual place of abode before becoming such inmate, and the warrant shall be returnable in the latter county or the county where the defendant resides. When a complaint is made in the county of Suffolk by or in behalf of an inmate of the hospital at Rainsford Island, or the House of Industry at Deer Island, the warrant shall be returnable before the police court of the city of Boston. If woman is in State almshouse, complaint where made.

SECT. 4. The court or justice before whom the warrant is returnable may, after due hearing, require the accused to give bond, with sufficient sureties, to appear and answer to the complaint at the next term of the superior court holden for the transaction of civil business, and abide the order of court thereon; and may order him to be committed until such bond is given. Accused held to answer, &c. 1863, c. 127, § 4 1865, c. 161.

For what reasons the cause may be continued, &c. 1863, c. 127, §§ 2, 3.

SECT. 5. If at said next court such woman is not delivered, or is not able personally to attend, or if there is any other sufficient reason therefor, the court may order the continuance of the cause from term to term, as it deems necessary; and the bond shall remain in force till the final judgment: *provided*, that if the sureties in the bond at any term of said court object to being longer held liable, or if the court for any cause deems it proper, the court may order a new bond to be taken; and the defendant shall stand committed until he gives such new bond.

Defendant committed, &c., how discharged. 1863, c. 127, § 2.

SECT. 6. When a person is committed on account of inability to give bond, he shall be discharged from prison on giving at any time thereafter the bond required, approved in the same manner as bail bonds.

Trial by jury and order of court thereon. 1863, c. 127, § 2.

SECT. 7. Upon the trial of the cause, the issue to the jury shall be whether the defendant is guilty or not guilty; and if the jury find him guilty, or if he is defaulted, he shall be adjudged by the court to be the father of such child, and shall stand charged with the maintenance thereof, with the assistance of the mother, in such manner as the court shall order; and shall give bond with sufficient sureties to perform said order, and also to indemnify and save harmless against all charges of maintenance her parents and any city or town, or the state, chargeable with the maintenance of such child; and he may be committed to prison until he gives such bond; but if on the trial he is found not guilty, the court shall order that he be discharged; and the verdict in either case shall be final.

Mother of the child may testify, &c. 1863, c. 127, § 2.

SECT. 8. The mother of the child shall be admitted as a witness in support of the complaint, and may be compelled to testify; but her admissions shall not be used against her in any criminal prosecution, except for perjury committed while so testifying. If upon examination under section one, she accuses any man of being the father of such bastard child, and being put upon the discovery of the truth respecting the same accusation in the time of her travail, she accuses the same man of being the father of the child of which she is about to be delivered, and has continued constant in such accusation, the fact of such accusation in time of travail may be put in evidence upon trial to corroborate her testimony.

Complaint not to be withdrawn without consent, &c.

SECT. 9. No complaint shall be withdrawn, dismissed or settled, by agreement of the mother and the putative father, without the consent of the overseers of the poor of the city or town in which she has her settlement or resi-

dence, or one of the other officers named in section two, or of her parent or guardian, unless provision is made to the satisfaction of the court, to relieve and indemnify any parent, guardian, city, town or the state, from all charges that have accrued or may accrue for the maintenance of the child, and from the costs of complaint and the prosecution thereof. 1862, c. 213. 1863, c. 127, § 2.

SECT. 10. No settlement made by the mother and father, before or after complaint is made, shall relieve the father from liability to any city or town, or the state, for the support of a bastard child. Liability for support. 1863, c. 127, § 2.

SECT. 11. Whoever has been imprisoned ninety days for having failed to comply with any order of the court, as provided in this chapter, shall have the benefit of the laws for the relief of poor prisoners committed on execution: *provided*, that he procures like notification of his intention to take the oath prescribed to poor debtors, to be served upon the clerk of the city or town where the child of which he is the reputed father has its legal settlement, if there is such place in this state, and also upon the complainant, if living, thirty days at least before the time appointed for taking the oath. Party charged as father may take poor debtors' oath. 1863, c. 127, § 2.

SECT. 12. The mother of such child and said city or town, or the state respectively, may at all times after the liberation of such prisoner, or taking said oath, recover by action of contract any sum of money which ought to have been paid to them, respectively by him, in pursuance of such order of court. Mother, &c., to have remedy, &c. 1863, c. 127, § 2.

SECT. 13. Prosecutions under this chapter, except as herein otherwise expressly provided, shall be according to the course of proceedings in civil cases, and shall not be entertained at any term of the superior court held exclusively for the transaction of criminal business. Proceedings as in civil cases. 1863, c. 127, §§ 2, 5.

SECT. 14. Nothing herein contained shall be so construed as to require the complainant to pay or give security for the support of the defendant when he is committed to prison by virtue of the provisions of this chapter; nor shall such defendant be discharged from imprisonment by reason of payment or security not being made or given for his support. Complainant not required to support defendant in prison. 1863, c. 127, § 2.

STATE LUNATIC HOSPITALS.

[General Statutes, Chapter 73.]

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Lunatics, how discharged or removed. 1862, c. 223, § 15. 1863, c. 240. 1864, c. 288.

SECT. 29. Any two trustees of either hospital, or either of the justices of the supreme judicial court or superior court, at any term held within and for the county in which such hospital is located, may, on application in writing for that purpose, discharge from confinement, after the cause of such confinement has ceased, any lunatic committed thereto. The trustees may also remove any idiot or other patient to the place where the judge or court committing him shall certify that he resided, when in their opinion he ceases to be dangerous and is not susceptible of mental improvement by remedial treatment at the hospital, if such place shall not remove him after reasonable notice in writing from the trustees.

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After removal, if not comfortably supported, &c., may be recommitted. 1863, c. 240. 1864, c. 288.

SECT. 31. If after the discharge of an incurable lunatic under the preceding section, it is made to appear on complaint by any person under oath, to the judge of the probate court for the county in which the lunatic has his legal settlement or is placed, that he is not comfortably supported, or that the public safety is endangered by him, said judge shall order his recommitment to said hospital. And the same proceedings may be had in determining these questions by a jury, upon the request of any person interested therein, made in writing to said judge, as are provided in the preceding section.

Trustees may furnish clothing, &c. 1863, c. 240. 1864, c. 288.

SECT. 32. No pauper shall be discharged from either hospital without suitable clothing; and the trustees may furnish the same at their discretion, together with such sum of money, not exceeding twenty dollars, as they may deem necessary.

ANALYTICAL INDEX.

BOARD OF STATE CHARITIES.

POWERS AND DUTIES.

[1]1. How constituted, appointments, &c.
4. To have rooms at State House, hold meetings, make rules, investigate and supervise system of public charitable institutions, transfer paupers, &c.
5. To prepare and print full report annually.
7. May authorize general agent and secretary to employ assistants and incur expenses.
[2]7. To apply for remedial treatment of insane in certain cases.
12. To certify probable quarterly expenses for support of pauper lunatics.
[3]1. Shall have authority to investigate cases of sickness, and order removal of patients.
[4]1. May designate some person to make suitable investigation.
[5]1. To determine what portion of State almshouse at Bridgewater, and what alterations and additions, are necessary for State workhouse.
3. Shall have general supervision of State workhouse, and exercise certain powers in connection therewith.
6. May cause inmates of State reform school for boys, of nautical school, or of industrial school for girls, to be transferred to State workhouse.
[6]2. Shall have authority to apprentice, discharge or remove persons committed to State workhouse.
3. To fix price of board for any person having legal settlement when committed to State workhouse; and permit transfer of such person to workhouse in said place of settlement, on request of overseers of the poor.
[7]1. May designate what portion of land and buildings belonging to State almshouse at Monson shall be used for State primary school.
5. May transfer children from State almshouses to State primary school, have power of admission and discharge, and other powers relating to said school.
6. Shall examine into sentences and conduct of pupils at State reform school for boys, and furnish governor with lists of pupils deemed suitable for transfer to State primary school.

[1] 1863, 240, p. 30–32. [2] 1864, 288, p. 34, 35. [3] 1865, 162, p. 35.
[4] 1869, 12, p. 35. [5] 1866, 198, p. 36, 37. [6] 1869, 258, p. 38.
[7] 1866, 209, p. 39, 40.

7. May receive or retain children over sixteen years of age in State primary school when urgent reasons exist.
8. Shall have same powers, &c., in regard to pupils in State primary school, as in regard to inmates of State almshouse at Monson.
[1]1. May authorize visiting agent to employ assistants and incur expenses.
2. May direct visiting agent to collect certain information respecting children.
3. May take action in cases of children placed in unsuitable homes.
4. May indenture, place out, or provide for the maintenance of children.
[2]2. May require certain information from overseers of poor.
[3]1. May require certain information from private societies or institutions for charitable purposes when aided by the State.
[4]4. To make provision in certain cases for support of persons heretofore known as Indians.
[5]2. May designate some officer or officers to perform duties of inspector of hospital at Rainsford Island.
[6]Res. To take charge of, distribute to State institutions, or sell, personal property of State at Rainsford Island.

SECRETARY.

[7]3. Shall keep records; examine returns; prepare interrogatories to institutions of charity, reform and correction, with a view to illustrate causes and best treatment of pauperism, crime, disease and insanity; report all desirable information concerning industrial and material interests of the Commonwealth; propose such general investigations as the Board may approve; make report, &c.
6. Shall perform certain duties pertaining to alien passengers.
[8]1. Shall furnish keepers of prisons, workhouses, &c., with blanks for periodical returns.
5. Shall give notice of liability of certain officers to forfeiture.
[9]4. Shall prepare tables from pauper returns, to be printed in annual reports of the Board.
[10]7. May employ assistants and incur expenses with approval of the Board.
8. Shall give bond to treasurer of Commonwealth.

[1]1869, 453, p. 41, 42. [2]1867, 209, p. 44, 45. [3]1867, 243, p. 45, 46.
[4]1869, 463, p. 46. [5]1869, 43, p. 47. [6]Res. 1869, 39, p. 47.
[7]1863, 240, p. 30-32. [8]1864, 307, p. 43, 44. [9]1867, 209, p. 45.
[10]1863, 240, p. 32.

GENERAL AGENT.

[1]2. Shall oversee and conduct out-door business of the Board, especially the examination and removal of paupers and lunatics, prosecution of cases of settlement and bastardy, collection of head-money, bonding of suspicious persons, &c.

*6. Shall perform duties formerly devolving upon commissioners and superintendent of alien passengers.

[2]1. Shall have supervision of vessels bringing passengers to any port in this Commonwealth, enforce all provisions of law relating thereto, and appoint, commission and fix compensation of assistants for this purpose.

2. Shall receive and account for fees of commutation.

3. Shall institute prosecutions for violation of alien laws, and may commute forfeitures therefor.

[3]2. May investigate cases of sickness and approve bills for support.

[4]5. Shall make and prosecute complaints against persons liable to imprisonment in State workhouse.

[5]5. Shall take charge of house and property heretofore occupied by Dudley Indians, and lease or sell the same, under direction of the Board.

[6]7. May employ assistants and incur expenses with approval of the Board.

8. Shall give bond to treasurer of Commonwealth.

VISITING AGENT.

[7]1. To visit all children who are or may be wards of the Commonwealth, hold office one year, &c., and with approval of the Board may employ assistants and incur expenses.

2. Shall exercise general supervision over the interests and welfare of the children aforesaid, and collect such information respecting them as the Board may direct.

3. Shall investigate the character of applicants for such children and the expediency of so disposing of them, and make report, &c.

4. Shall attend in person or by deputy in behalf of children, on receiving notice of application for their commitment to any State reformatory; seek out families willing and suitable to receive such children, report names and places of residence, &c.

5. Shall make monthly report to the Board.

*See Acts 1866, 272, 292; 1869, 251, p. 33.

[1] 1863, 240, p. 30, 32. [2] 1869, 251, p. 33, 34. [3] 1865, 162, p. 35.
[4] 1866, 198, p. 36, 37. [5] 1869, 463, p. 46. [6] 1863, 240, p. 32.
[7] 1869, 453, p. 41, 42.

STATUTES.

St. 1863, c. 240.

AN ACT IN RELATION TO STATE CHARITABLE AND CORRECTIONAL INSTITUTIONS.

Board of State Charities constituted. Appointments, etc. G. S. c. 71.

SECT. 1. The governor, with the advice and consent of the council, shall appoint five persons, who, together with the general agent and secretary hereinafter mentioned, shall constitute the board of state charities. One of the persons so appointed shall hold office for one year; one of them for two years and one for three years; one for four years and one for five years, unless sooner removed. Appointments to fill vacancies, caused by death, resignation or removal before the expiration of terms, may be made for the residue of such terms by the governor and council; and all appointments to fill vacancies caused by expiration of terms shall be made in the same manner.

General agent, duties, etc. G. S. c. 71, 72, 73. 1865, c. 161, 162, 230. 1866, c. 234, 288. 1867, c. 97. 1868, c. 328. 1869, c. 12.

SECT. 2. The governor, with the advice and consent of the council, shall appoint some suitable person as general agent of state charities, who shall hold his office for three years, unless sooner removed. He shall be a member of the board of state charities, *ex officio*, and shall, subject to the control and direction of the said board, oversee and conduct its out-door business, especially the examination of paupers and lunatics, to ascertain their places of settlement and means of support, or who may be responsible therefor; the removal of paupers and lunatics to their usual homes; the prosecution of cases of settlement and bastardy; the collection of emigrant head-money and the bonding of suspicious persons, and all and singular the duties now devolved by law upon the superintendent of alien passengers for the city of Boston.

Secretary, duties, etc. G. S. c. 21, 22, 71. 1862, c. 112.

SECT. 3. The governor, with the advice and consent of the council, shall appoint some suitable person to be secretary of the board of state charities. He shall hold his office three years, unless sooner removed. He shall

keep an accurate record of the proceedings of the board, and shall perform such clerical services as they may require. He shall, under the direction and control of the board, examine the returns of the several cities and towns in relation to the support of paupers therein, and in relation to births, deaths and marriages, and he shall prepare a series of interrogatories to the several institutions of charity, reform and correction, supported wholly or in part by the Commonwealth, or the several counties thereof, with a view to illustrate in his annual report the causes and best treatment of pauperism, crime, disease and insanity. He shall also arrange and publish in his said report all desirable information concerning the industrial and material interests of the Commonwealth, bearing upon these subjects, and shall have free access to all reports and returns now required by law to be made; and he may also propose such general investigations as may be approved by the board. He shall be paid, annually, the sum of two thousand dollars and his actual travelling expenses.

1864, c. 307. 1867, c. 209, 243.

Compensation. 1869, c. 453.

SECT. 4. The board of state charities shall be provided with suitable rooms in the state house. They shall hold meetings on the first Wednesday of every month. They may make such rules and orders for the regulation of their own proceedings as they may deem necessary. They shall investigate and supervise the whole system of the public charitable and correctional institutions of the Commonwealth, and shall recommend such changes and additional provisions as they may deem necessary for their economical and efficient administration. They shall have full power to transfer pauper inmates from one charitable institution or lunatic hospital to another, and for this purpose to grant admittances and discharges to such pauper inmates, but shall have no power to make purchases for the various institutions. They shall receive no compensation for their services except their actual travelling expenses, which shall be allowed and paid.

Board, etc. Location and meetings.

Powers and duties. G. S. c. 71, § 7. G. S. c. 73, § 26. G. S. c. 75, 76 1866, c. 198, 209.

Expenses.

SECT. 5. The board of state charities shall annually prepare and print for the use of the legislature a full and complete report of all their doings during the year preceding, stating fully and in detail all expenses incurred, all officers and agents employed, with a report of the secretary and general agent, embracing all the respective proceedings and expenses during the year, and showing the actual condition of all the state institutions under their control, with such suggestions as they deem necessary and pertinent.

Annual report.

Offices of commissioners and superintendent of alien passengers abolished, and duties transferred.

SECT. 6. The board of commissioners in relation to alien passengers and state paupers, and the office of superintendent of alien passengers in the city of Boston are hereby abolished, and the duties now required by law to be performed by the incumbents of said offices shall be performed by the secretary and general agent herein provided for, subject to the control and direction of the board of state charities. No compensation shall be allowed for this service except actual travelling expenses.

G. S. c. 71, §§ 1-25. 1866, c. 272. 1866, c. 292, § 1. 1869, c. 251.

Compensation. 1866, c. 298, § 5.

Appointment and pay of assistants.

SECT. 7. The general agent shall be paid annually the sum of two thousand dollars in full for all his services, and his actual travelling expenses. The general agent and secretary, subject to the approval of the board, may employ such assistants, and incur such expenses as they may deem necessary, within the limits of the annual appropriations; and the balance of the appropriations already made for the alien commissioners and the superintendent of alien passengers, remaining unexpended on the first day of October, eighteen hundred and sixty-three, shall be held subject to the requirements of the board.

Secretary and agent to give bonds.

SECT. 8. The secretary and general agent shall respectively give bond to the treasurer of the Commonwealth, with sufficient sureties, for the faithful performance of their duties, in such sums as may be required in their commissions.

Support of State lunatic paupers. G. S. c. 73.

SECT. 9. The expenses of the lunatic hospitals for the support of lunatics not having known settlements in this state committed thereto, shall be paid by the Commonwealth at the same rates charged for other lunatics residing therein, not exceeding two dollars and twenty-five cents a week for each lunatic.

1862, c. 223, § 11. 1864, c. 138, § 1. 1865, Res. 16.
1866, Res. 27. 1867,* Res. 38.

Repeal.

SECT. 10. All acts and parts of acts inconsistent with this act are hereby repealed.

When act takes effect.

SECT. 11. This act, so far as the appointment of officers under it is concerned, shall take effect on its passage; and for all other purposes, on the first day of October in the year one thousand eight hundred and sixty-three. [*Approved April* 29, 1863.

* Resolves of 1868-9 establish the same rates for those years.

ALIEN PASSENGERS.

St. 1866, c. 272.

Parties bringing paupers into State liable for support in certain cases.

SECT. 1. The provisions of sections four and twenty-five of chapter seventy-one of the General Statutes are hereby extended and made applicable to any corporation or party by whose means any person not having a settlement in this Commonwealth is brought into the state.

G. S. c. 71, §§ 4, 25. 1863, c. 240, § 6.

Corporations bringing foreigners to labor to give bond for their support.

G. S. c. 71. 1863, c. 240, § 6. 1866, c. 292. 1869, c. 251.

SECT. 2. Any corporation which brings into this Commonwealth, or by whose means or at whose instigation any person is brought into the same, for the purpose of performing labor for such corporation, if such person has no settlement in this Commonwealth, shall give a bond to the Commonwealth, to be delivered to the superintendent of alien passengers, in a sum of three hundred dollars, conditioned that neither such person nor any one legally dependent on such person for support, shall within two years become a city, town or state charge.

St. 1866, c. 292.

Provisions respecting alien passengers.

SECT. 1. The provisions of sections twelve and fourteen of chapter seventy-one of the General Statutes, shall apply to all vessels arriving at any port of this Commonwealth from any port or place without the limits of the United States, or which shall have stopped at any such port or place during their voyages.

G. S. c. 71, §§ 12, 14. 1863, c. 240, § 6. 1866, c. 272. 1869, c. 251.

Actions under pauper and bastardy laws may be served by State constables.

SECT. 2. In all actions brought by or on account of alien passengers and state paupers under the provisions of chapters seventy-one and seventy-two of the General Statutes, the civil process may be served by the constable of the Commonwealth or any of his deputies.

G. S. c. 18, § 61. G. S. c. 71, 72. 1865, c. 249.

St. 1869, c. 251.

General agent to exercise supervision and enforce laws.

G. S. c. 71, §§ 4, 12, 14, 25. 1863, c. 240, § 6. 1866, c. 272, 292

SECT. 1. Vessels bringing passengers to any port in this Commonwealth shall be under the supervision of the general agent of state charities, acting as superintendent of alien passengers for the port of Boston, who shall enforce in regard to such vessels and the passengers brought therein all the provisions of law concerning the introduction of strangers and aliens by sea into this Commonwealth; and for this purpose the officers authorized by section eleven of chapter seventy-one of the General Statutes, shall be appointed and commissioned by the

Appointment and compensation of deputies.

general agent of state charities, and shall be deemed his deputies, and each deputy shall receive a compensation for his services to be fixed by said agent, such compensation not to exceed the amount of alien passenger money received by such deputy.

Monthly reports to be made to the board, etc.

SECT. 2. The deputies shall, at the close of each month, make a detailed report to the board of state charities, through its general agent, giving the name of each vessel arriving, the number, names and description of the passengers brought, the numbers respectively for whom commutation was accepted or refused, and such other information in relation thereto as may be required by him, and they shall further give bond for the faithful performance of their duties, in such sum as he may require. The compensation of the said deputies shall be paid from the appropriation of the general agent, and all fees for commutation collected by them shall be paid over monthly to the said agent, who shall account for the same to the treasurer in the manner now provided by law.

Compensation and commutation fees.

General agent to institute prosecutions, etc.

SECT. 3. The general agent shall institute prosecutions for the violation of any provisions of the laws concerning the introduction of aliens and strangers by sea into this Commonwealth, and for this purpose may employ counsel when necessary; but whenever such violation shall appear to him to have occurred without intent, he may commute the forfeiture for a sum not less than fifty dollars, the attorney-general advising thereto.

CARE AND SUPPORT OF LUNATICS.

St. 1864, c. 288.

Board of State Charities to apply for remedial treatment of insane in certain cases.

SECT. 7. Whenever the board of state charities shall have reason to believe that any insane person, not incurable, is deprived of proper remedial treatment, and is confined in any almshouse or other place, whether such insane person is a public charge or otherwise, it shall be the duty of said board to cause application to be made to one of the judges of the supreme judicial, superior or probate courts, for the commitment of such person to a hospital in the manner prescribed by law.

G. S. c. 73. 1862, c. 223, § 3. 1863, c. 240.
1865, c. 268. 1867, c. 355.

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Board to certify probable quarterly ex-

SECT. 12. It shall be the duty of the board of state charities to certify to the auditor, within one week from

the commencement of each quarter of the financial year, the probable amount due to each lunatic hospital for the support of state pauper inmates during said quarter. And upon application of any board of trustees of said hospitals the auditor may draw his warrant for a sum not exceeding ninety per cent. of the amount so certified, and the same shall be paid to the treasurer of the hospital making the application, to be used towards the payment of its current expenses, incurred within the financial year.

pense for support.

Ninety per cent. to be paid in advance.

REMOVAL AND SUPPORT OF STATE PAUPERS.

St. 1865, c. 162.

Persons infected with smallpox, &c., not to be sent to State almshouses. How taken care of.

SECT. 1. No city or town authorities shall be allowed to send to either of the state almshouses any person infected with smallpox or other disease dangerous to the public health, nor any other sick person whose health would be endangered by removal; but all such persons liable to be maintained by the Commonwealth, shall be supported during such sickness by the city or town in which they are taken sick, and notice of such sickness shall be given to the board of state charities, who shall have authority to examine the case, and order the removal of the patient if they deem expedient.

G. S. c. 70, §§ 3, 21. G. S. c. 71, § 36. 1869, c. 12.

Expenses of care of such persons, how paid.

SECT. 2. The expense incurred by any city or town under the provisions of the first section of this act, after notice shall have been given as therein required, and the bills for said support having been approved by the agent of the board of state charities, shall be re-imbursed by the Commonwealth to an amount not exceeding at the rate of the average weekly cost of the support of similar patients at the Rainsford Island Hospital.

Penalty on town officers for violation of this act.

SECT. 3. Any mayor or overseer of the poor who shall knowingly offend against the provisions of the first section of this act, shall be subject to a penalty of not less than fifty nor more than one hundred dollars.

St. 1869, c. 12.

Claims for support, provision for settlement.

G. S. c. 71, § 36.

1865, c. 162.

SECT. 1. The second section of chapter one hundred and sixty-two of the acts of the year eighteen hundred and sixty-five, entitled "An Act concerning the admission of sick persons to the State Almshouse," is hereby amended, by inserting after the words "board of state charities," the words, "or some person designated by them, whose duty it shall be to make suitable investigation."

STATE WORKHOUSE.

St. 1866, c. 198. State workhouse established. G. S. c. 71, §§ 32-57.

SECT. 1. A state workhouse shall be established at Bridgewater. So much of the state almshouse there situate as in the judgment of the board of state charities is necessary shall be devoted to this purpose; such alterations may be made therein and such additions be made thereto as said board shall think advisable for the purpose of carrying into effect the provisions of this act.

Master and inspectors, and their duties. G. S. c. 71, §§ 32-35.

SECT. 2. The superintendent of said almshouse shall be master of the workhouse, appointing his assistants and fixing their compensation, subject to the approval of the board of inspectors of said almshouse, who shall be *ex officio* inspectors of the workhouse. The master shall make any and all rules for the government of said institution, to be approved by the governor and council, and shall have the management and control of said workhouse and its operations, and with the approval of said board of inspectors may make contracts for the labor of the inmates of said workhouse. The board of inspectors shall visit the workhouse once each month, and one of them shall visit the same each week; and said board shall annually, before the fifteenth of October, report the condition of said workhouse to the governor and council, and shall audit and approve all bills before payment of the same.

The board to have supervision, etc. G. S. c. 22. G. S. c. 71, §§ 32-57. G. S. c. 178, § 17. 1862, c. 189. 1863, c. 240.

SECT. 3. The board of state charities shall have a general supervision of the workhouse; they shall have the same power of discharging persons therein confined for any cause, that the overseers of houses of correction have in those institutions; there shall also be vested in said board of state charities all the powers not herein given to the master and board of inspectors, which overseers of the poor have in relation to town workhouses.

Expenses, receipts and accounts. G. S. c. 71, §§ 54-57.

SECT. 4. The expenses of the workhouse shall be paid from the annual appropriation for the support of the state almshouse at Bridgewater: the receipts for the workhouse for labor shall be paid quarterly into the state treasury: separate accounts shall be kept of the expenses of the almshouse and workhouse departments.

Commitments.

SECT. 5. Any inmate of either of the state almshouses or of the Rainsford Island hospital, who comes within any of the descriptions of persons contained in General Statutes, chapter one hundred and sixty-five, section twenty-

eight, may, on conviction thereof before a trial justice or police court, be sentenced to said state workhouse for a term not less than six months nor more than three years: the complaint shall in such cases be made and prosecuted by the general agent of the board of state charities or some person under his direction, and on request of said board or its agent, the magistrate or court shall suspend the issue of a mittimus in any such case. Any person so sentenced, escaping or attempting to escape, may be pursued and reclaimed, and upon conviction thereof, shall be punished by confinement in the workhouse for not less than six months in addition to the previous sentence.

Proceedings prescribed. G. S. c. 71, §§ 26-57 G. S. c. 165, § 28. 1863, c. 240. 1869, c. 258. Penalty for escape or attempt.

SECT. 6. On application of the trustees of the reform school for boys, of the nautical school, or of the industrial school for girls, the board of state charities may cause any inmate of either of said institutions whom said trustees deem incorrigible or unfit subjects for said institutions, to be transferred with the mittimus to the state workhouse, the master of which is hereby authorized to hold such persons on said mittimus till the term of sentence expires.

Inmates of reformatories may be transferred therefrom. G. S. c. 75, 76. 1863, c. 240.

SECT. 7. His excellency the governor is hereby authorized to designate and commission a suitable person to act as trial justice, from each of the towns of Bridgewater, Palmer and Tewksbury, or their immediate vicinity, who shall take cognizance of all complaints under the fifth section of this act, and any warrant or mittimus issued by said justices shall be served by a deputy constable of the Commonwealth whenever practicable.

Trial justices to be designated to have jurisdiction under section five. G. S. c. 120, §§ 33, 34. 1869, c. 258.

SECT. 8. The justices designated under section seven shall receive a fee of one dollar for each case brought before them, and no other fee or compensation whatsoever; and no person receiving a regular salary or compensation from the Commonwealth shall receive any additional pay for any services performed under this act. The expense attending the trial of an inmate of any state institution, as provided by this act, shall be paid from the appropriation for said institution, and the cost of removing parties sentenced to the state workhouse shall be paid from the appropriation for the transportation of state paupers.

Fees of and expenses of trial and removal of inmates.

SECT. 9. The sum of five thousand dollars is hereby appropriated for the necessary alterations in the state almshouse at Bridgewater, authorized by this act to be expended by the superintendent and inspectors in accordance with the provisions of the first section of this act,

Appropriation for alterations of Bridgewater almshouse.

and the same shall be allowed and paid; and the said superintendent and inspectors shall be authorized to expend for the same purpose any surplus that may remain of the current expenses for the year one thousand eight hundred and sixty-six.

Powers of cities and towns, &c. G. S. c. 71, §§ 36, 37. 1865, c. 162, 230, § 2. 1869, c. 258.

SECT. 10. Nothing contained in this act shall affect any powers or privileges heretofore granted to cities or towns, or the overseers of the poor thereof, by acts specially relating to the state almshouses, and the sending of state paupers thereto.

St. 1869, c. 258. Commitments may be made on complaint of overseers of poor. G. S. c. 71, §§ 26–57. G. S. c. 165, § 28. 1863, c. 240, 1866, c. 198, § 5.

SECT. 1. Upon complaint of the overseers of the poor of any city or town, trial justices and justices of the police and municipal courts may, in their discretion, commit persons, convicted before them of any of the offences enumerated in sections twenty-eight and thirty-five of chapter one hundred and sixty-five of the General Statutes, to the state workhouse at Bridgewater, for a term not less than three months, nor more than two years, there to be governed and subject to the same liabilities as persons sentenced under the provisions of chapter one hundred and ninety-eight of the acts of the year eighteen hundred and sixty-six; or such offenders may be sentenced as now provided by law.

Power of the Board to apprentice, discharge or remove.

SECT. 2. The board of state charities shall have the same power to apprentice or discharge any person so committed, as is now vested in overseers of houses of correction; and they may cause any such person, not having a legal settlement within this Commonwealth, to be removed to the state or place where he belongs, or whence he came, in accordance with existing laws. But if any person so removed shall return to this state before the expiration of his term of sentence, he shall be liable to be re-arrested and returned to the state workhouse, there to serve out the remainder of said term.

Penalty for return, when removed from the State.

Cities and towns to pay for support, in case of legal settlement.

SECT. 3. If any person so committed shall have a legal settlement in any city or town in this Commonwealth, the said city or town shall pay for his support such sum per week as may be fixed upon by the said board, reference being had to his capacity for labor; and all moneys so received shall be paid into the treasury in the manner now provided by law: *provided*, *however*, that upon the written request of said overseers, the board of state charities shall permit him to be transferred to the workhouse of his place of settlement, where he shall serve out the remainder of his sentence.

Persons may be transferred to city or town workhouses.

STATE PRIMARY SCHOOL.

St. 1866, c. 209. School for dependent and neglected children. G. S. c. 71, §§ 32-57.

SECT. 1. There shall be established at the state almshouse in Monson a state school for dependent and neglected children, which shall be known as the state primary school. So much of the land and buildings belonging to the state almshouse, as in the judgment of the board of state charities shall be necessary, shall be used for the purposes of the school, and the remainder shall be used for the purposes of a state almshouse. There shall be received as pupils such children as are now maintained and instructed in the state almshouses; and such children shall be maintained, taught, exercised and employed as their health and condition shall require, but they shall not be considered as inmates of the almshouse, nor allowed to mingle with the inmates, nor shall they be designated as paupers.

Charge and superintendence.

SECT. 2. Said school shall be under the charge of the superintendent and inspectors of the state almshouse at Monson, who shall prepare rules and regulations for the government of the school and the general management of its affairs; and such rules and regulations, when approved by the governor and council, and placed on record in the office of the secretary of the Commonwealth, shall be and remain in force, until altered or amended with the approval of the governor and council.

Rules and regulations.

Officers and their pay.

SECT. 3. All needful officers for said school shall be appointed and their compensation fixed by the superintendent, subject to the approval of the inspectors.

Children to be transferred from other State almshouses. G. S. c. 71, §§ 32-57. G. S. c. 165, § 28.

SECT. 4. For the purpose of instruction and employment there shall be transferred to the state primary school from the state almshouses at Tewksbury and Bridgewater, from time to time, all such children as are of suitable condition of body and mind to receive instruction, and at the same time are likely to continue for a period of six months under the care of the state; and especially such as are orphans, or have been abandoned by their parents, or whose parents have been convicted of crime, or come within any of the descriptions of persons contained in the General Statutes, chapter one hundred and sixty-five, section twenty-eight.

Transfers, admissions and discharges. 1863, c. 240.

SECT. 5. Such transfers of children shall be made by the board of state charities, who shall have full power to make such other transfers of children as they may deem necessary, from the state almshouses; and the power of admission and discharge shall be vested in the said board of state charities, together with the other powers now vested in said board in relation to state paupers in almshouses and hospitals.

Examination of pupils in reform school, and manner of transfer to primary school prescribed. G. S. c. 76. 1863, c. 240.

SECT. 6. It shall be the duty of the board of state charities, upon consultation with the trustees of the state reform school at Westborough, as often as once in three months, to examine into the sentences and conduct of the pupils in that institution; and when they shall find pupils there residing who have been committed for trivial offences, and do not appear to be depraved in character, or to need the restraints of imprisonment, the board of state charities shall furnish lists of such pupils to the governor, who may, under his warrant, direct the removal of such children to the state primary school at Monson, and such removal shall suspend their sentence of confinement at Westborough, during the good behavior of such pupils.

Age of pupils received or retained.

SECT. 7. No child above the age of sixteen years shall be received or retained in the state primary school, except by special vote of the board of state charities, on the representation of the superintendent that there are urgent reasons for such admission or retention; but it shall be the duty of the superintendent, inspectors and other officers to use all diligence to provide suitable places in good families for all such pupils as have received an elementary education; and any other pupils may be placed in good families, on condition that their education shall be provided for in the public schools of the town or city where they may reside.

Family homes to be provided. 1863, c. 240. 1869, c. 453.

Powers and duties of board of charities and inspectors of Monson Almshouse.

SECT. 8. Except as already limited in this act, the board of state charities and the inspectors of the state almshouse at Monson shall have and exercise all the powers, and be subject to all the duties, in regard to the pupils of the state primary school, which now belong to or may hereafter be given to them in regard to the inmates of the state almshouse at Monson; and nothing contained in this act shall affect any powers or privileges heretofore granted to cities or towns, or the overseers of the poor thereof, by acts specially relating to the state almshouses, and the sending of state paupers thereto.

Powers of cities and towns not affected. G. S. c. 71. §§ 32–37. 1863, c. 240.

Appropriations and expenses.

SECT. 9. The sum of two thousand dollars is hereby appropriated for the necessary changes in the buildings

at Monson, which shall be expended under the direction of the superintendent and inspectors. The expenses of the school shall be paid from the appropriation for the expenses of the almshouse, and no officer now receiving a salary from the Commonwealth shall be entitled to any increase of salary in consequence of this act; but such officers and employés as the superintendent and inspectors shall designate, shall be employed to perform services both in the school and in the almshouse. G. S. c. 71, §§ 32–57.

VISITING AGENCY.

Appointment and jurisdiction of visiting agent. St. 1869, c. 453

Tenure of office, salary, assistants and expenses. G. S. c. 70, 71, 75, 76. 1866, c. 209.

SECT. 1. The governor, with the advice and consent of the council, shall appoint an agent to visit all children maintained wholly or in part by the Commonwealth, or who have been indentured, given in adoption or placed in the charge of any family or person by the authorities of any state institution, or under any provision of this act.

He shall hold the office for one year, subject to removal by the governor and council, and shall receive an annual salary of twenty-five hundred dollars; and, with the approval of the board of state charities, he may employ such assistance and incur such expenses as may be necessary for the discharge of his official duties.

General duties. G. S. c. 111, § 9.

SECT. 2. It shall be his duty to visit the children aforesaid, or cause them to be visited, at least once in three months, to inquire into their treatment, their health and their associations, and especially to ascertain whether their legal rights have been invaded, and whether all contracts or stipulations made in their behalf have been duly observed, and to collect such other information respecting them as the board of state charities may direct; and, for this purpose, he shall have the right to hold private interviews with the children, whenever he may deem it advisable.

Disposal of children, procedure prescribed.

SECT. 3. All applications to take any of the children above specified, by indenture, adoption or any other method fixed by law, shall be referred to the aforesaid agent, who shall investigate the character of each applicant, and the expediency of so disposing of the child applied for, and report the result to the board or magistrate having jurisdiction over the child, and no such

Indentures, when and how annulled.

child shall be indentured or otherwise disposed of until such report is received; and in case any child shall be placed in a home which the said agent may deem unsuitable, he shall forthwith report the facts to the board of state charities for their action thereon, and the governor and council may at any time annul any indenture by which such child may be held.

Applications for commitment of a child, agent to be notified, etc.

SECT. 4. Whenever application is made for the commitment of any child to any reformatory maintained by the Commonwealth, the magistrate before whom the hearing is to be held shall duly notify the visiting agent of the time and place of the hearing, by written notice mailed one week at least before the time of hearing, and directed to said agent at the state house, and the agent shall attend at said hearing in person or by deputy, in behalf of the child; and if it shall appear to the said magistrate that the interests of the child will be promoted by placing him in a suitable family, he may, instead of committing him to a reformatory, authorize the board of state charities to indenture the child during the whole or a portion of his minority, or to place him in such family. And the board of state charities is hereby authorized to provide for the maintenance of any child placed in a family as aforesaid at an expense not exceeding the average cost of the support of such child in any of the state reformatories. And it shall be the duty of said agent to seek out families willing and suitable to receive such children, and furnish the names and places of residence of the same to the boards or magistrates who are to provide for the commitment or indenture of a child under this act: *provided*, that the provisions of this section so far as they require notice to the visiting agent shall not apply to the superior court.

Child may be indentured or placed in a family home.

Board to provide for maintenance of any child.

Agent to seek out families, etc.

Provisions requiring notice, not applicable to superior court.

Agent to make monthly report to the board.

SECT. 5. The visiting agent shall make a monthly report to the board of state charities of all his proceedings, especially concerning children placed in families under the fourth section of this act, and any person aggrieved by his action shall have the right of appeal to the board or magistrate having original jurisdiction of the child.

Officers of Industrial School to perform duties required by sections 3 and 4.

SECT. 6. The duties required in sections three and four of this act shall, in case of the industrial school for girls, be performed by the officers of that institution, under the supervision of the board of state charities.

RETURNS, RECORDS AND REPORTS.

SECT. 1. The secretary of the board of state charities shall furnish, from time to time, to the keepers of the several prisons and workhouses throughout the Commonwealth, including the state prison and the houses of industry, reformation and correction in the city of Boston, the following blank schedule for periodical returns, which shall be made weekly from all prisons where the commitments average ten a week and upwards; monthly from all prisons where the commitments average between two and ten a week; and once in six months from all other prisons:

St. 1864, c. 307.*
Keepers of jails, &c., to make returns, weekly or monthly.
G. S. c. 22.
G. S. c. 178, §§ 68–72.
G. S. c. 179, §§ 23–31.
1863, c. 240, § 3.

Admissions.

Registered number; name; color; age; sex; birthplace; parents both Americans; parents both temperate; parents both or either convicts; ever married; intemperate; what education; what property; ever in army or navy; ever in reform school; when committed; why committed; number of former commitments; when discharged; how discharged; length of sentence; number of days sick; number of times punished in prison.

Discharges.

Registered number; name; when committed; why committed; when discharged; how discharged; time in prison; number of days sick; number of times punished in prison; number remaining by last report; number committed since last report; number discharged; number transferred from other jails, &c.; number transferred to other jails, &c.; number now in confinement.

SECT. 2. The said secretary shall also furnish the sheriffs of the several counties, the board of directors for public institutions of the city of Boston, and the warden of the state prison, with the following blank schedule for annual returns, to be made on the first day of October in each year, and lodged with the said secretary before the fifteenth of October:

Sheriffs, directors of public institutions in Boston and warden of State prison, to make annual returns.
G. S. c. 178, §§ 19, 68–72.
1863, c. 240, § 3.

1. Names and salaries of every officer employed and paid in and about the prison.

[Name.] [Duty.] [Salary.]

2. Sum expended for provisions. 3. Sum expended for clothing. 4. Sum expended for fuel and light. 5. Sum expended for beds

*Sections 6 and 7 of this Act are omitted, because repealed.

and bedding. 6. Sum expended for medicine and medical attendance. 7. Sum expended for instruction of prisoners. 8. Sum allowed to discharged prisoners. 9. Sum allowed to witnesses. 10. Sum expended for all other purposes. 11. Total amount expended. 12. Amount received for labor of prisoners. 13. Nature of instruction given. 14. Number of volumes in the prison library. 15. Number of prisoners vaccinated. 16. Number of persons committed for non-payment of fine and costs. 17. Number of persons who paid fine and costs. 18. Amount received for fines and costs.

County commissioners to furnish sheriff with information. G. S. c. 17, §§ 11-34.

SECT. 3. The board of county commissioners in any county, when applied to therefor by the sheriff, shall make a return to him on or before the tenth day of October, of the amount expended by them, or with their approval, to provide all necessary supplies for the jails and houses of correction, necessary to enable him to comply with the requirements of the preceding section.

Penalty for not making returns, &c.

SECT. 4. Every sheriff or prison officer who omits to make and transmit, according to the provisions of this act, true answers to the inquiries contained in the schedules, and every director or county commissioner, when his board omits to make and transmit such answers, shall forfeit one hundred dollars.

Notice of liability to be given, and prosecution therefor.

SECT. 5. The secretary, when he finds that a sheriff, county commissioner or director is liable to a forfeiture under the provisions of this act, shall forthwith notify the district-attorney for the district in which such sheriff or director resides, who shall immediately institute a complaint therefor, and the forfeiture recovered shall be applied by the county for the relief of discharged convicts.

* * * * * * * * *

Repeal. G. S. c. 70, §§ 23-25. G. S. c. 178, §§ 68-72. 1862. c. 112, §§ 1-3. 1862, c. 220. St. 1867, c. 209.

SECT. 8. Chapter two hundred and twenty, and the first, second and third sections of chapter one hundred and twelve of the acts of eighteen hundred and sixty-two, and also so much of the General Statutes as is inconsistent with this act, are hereby repealed.

Overseers of poor to keep record of paupers, &c., supported and relieved. G. S. c. 70. To make returns to board of State charities.

SECT. 1. It shall be the duty of overseers of the poor in all the cities and towns of this Commonwealth to keep full and accurate records of the paupers fully supported, the persons relieved and partially supported, the travellers and vagrants lodged at the expense of said cities and towns, together with the amount paid for such support and relief.

SECT. 2. Such annual returns of the number, sex, place of settlement, place and cost of support, sanity and temperance of the persons supported and relieved by towns and cities, and such other particulars concerning

them as may be required by the board of state charities, shall be made by the overseers of the poor to the secretary of said board on or before the twentieth day of October in each year, and shall relate to the year ending on the thirtieth day of September preceding. G. S. c. 70. 1863, c. 240.

Penalty on towns for neglect to make returns. 1865, c. 162. 1866, c. 234.

SECT. 3. If the overseers of any town or city shall refuse or neglect to comply with the requirements of this act, said town or city shall forfeit the sum of one dollar for each day's neglect, and the amount of such forfeiture shall be deducted from any sum to which said town or city may be entitled in re-imbursement for relief of state paupers as provided in chapters one hundred and sixty-two of the acts of the year eighteen hundred and sixty-five, and two hundred and thirty-four of the acts of the year eighteen hundred sixty-six; and in case no such re-imbursement shall be due to said town or city, the forfeiture shall be deducted from any money which may be due such town or city from the state.

Tables of such returns to be made and reported to legislature.

SECT. 4. It shall be the duty of the secretary of the board of state charities to prepare tables from the returns thus made, and to report the most important information thus obtained to the board, who shall cause the same to be printed in their annual reports for the use of the legislature.

Repeal of 1864, c. 307, §§ 6, 7.

SECT. 5. Sections six and seven of chapter three hundred and seven of the acts of the year eighteen hundred and sixty-four, and all other acts and parts of acts inconsistent with this act are hereby repealed.

St. 1867, c. 243.

SECT. 1. Every private society or institution for charitable purposes, when aided by a grant of money from the state treasury, shall cause to be annually prepared and forwarded to the board of state charities, a report of all its proceedings, income and expenditures, properly classified for the year ending on the thirtieth day of September; which report shall state the sum appropriated by the state, the sum expended under said appropriation, the whole number and the average number of beneficiaries, the number and salary of officers and employés, and such other information as the board of state charities may require.

Societies and institutions aided by the State to make report to board of State charities. 1863, c. 240.

How and when report to be made.

SECT. 2. The report provided for in the preceding section may be either in writing or in print. If in writing, it shall be sent in to the board of state charities on or before the fifteenth day of October, and if in print, on or before the first day of November in each year; and for the present year shall be held to apply to all appro-

priations made or expenses incurred between the thirtieth day of September in the year eighteen hundred and sixty-six, and the thirtieth day of September in the year eighteen hundred and sixty-seven.

INDIANS.

St. 1869, c. 463.

This act, which provides for the enfranchisement of the Indians of the Commonwealth, contains two sections imposing duties upon the board and its general agent, viz.: —

The board of State charities to make provision for support.

SECT. 4. Upon the application of the overseers of the poor of any town, to the board of state charities, said board shall make provision in the state almshouses or elsewhere for the support of any persons heretofore known as Indians who may be unable to support themselves, and who have not acquired a settlement in any town; and upon the application of any Indian who has heretofore received aid from the Commonwealth, the said board shall furnish to such person, in the state almshouse or elsewhere, such aid as they may deem expedient.

General agent to sell or lease property.

SECT. 5. The general agent of the board of state charities shall take charge of the house, and all property connected therewith, in the town of Webster, belonging to the Commonwealth, and may lease the same to persons heretofore known as members of the Dudley tribe of Indians, upon terms substantially like those upon which they have heretofore occupied it; or he shall, under the direction of the board of state charities, sell the same at public auction, and the proceeds of such leases or sale shall be paid into the treasury of the Commonwealth.

RAINSFORD ISLAND HOSPITAL.

St. 1869, c. 43. Office of Inspector abolished. His duties assigned to the board of State charities.

SECT. 1. The office of inspector of the hospital at Rainsford Island is hereby abolished.

SECT. 2. The duties assigned to said inspector shall hereafter be performed under the direction of the board of state charities, by such officer or officers as they may designate.

Res. 1869, c. 39.* Care and disposal of property at Rainsford Island.

Resolved, That the board of state charities are hereby instructed to sell the yacht Thatcher at auction before the first day of June next, and pay the proceeds into the state treasury, and to take charge of all the personal property of the state on the island or belonging there, and either distribute it to the other charitable institutions supported by the state, or sell it, according to their discretion, and to pay the proceeds of any sale into the state treasury.

* Another resolve embraced in the same chapter authorizes the governor, with the consent of the council, to sell and convey the island.

BY-LAWS OF THE BOARD.

Organization, Meetings, etc.

I. The Board shall organize at its Annual Meeting, on the first Wednesday in October, by choice of a Chairman by ballot.

II. The Secretary's office shall be the regular place of meeting, and shall be open at all other times for the business of the Board.

III. Regular meetings shall be held on the first Wednesday of each month, at 11 A. M., or at such other hours as the Board may designate. Special meetings may be appointed by the Board, or called by the Chairman, or by the Secretary, on application of any two members thereof, by giving five days' notice in writing.

IV. The meetings shall be called to order at the time appointed, if a quorum be present.

V. Four members shall constitute a quorum for business. In the absense of the Chairman, the Secretary or any member may call the meeting to order, and a Chairman *pro tempore* shall be chosen.

VI. The order of business shall be as follows :—

Record of last meeting.

Report of Committees.

Communications from the General Agent.

Communications from the Secretary.

Communications from other sources.

Motions, resolutions, etc.

At a special meeting, the object of the meeting shall be stated by the Chairman immediately after the records of the previous meeting have been read, or their reading postponed, and action thereon shall take precedence of all other business.

VII. Motions shall be reduced to writing, when requested by the Chairman.

VIII. When a vote is other than unanimous, it shall be so recorded, and also the names of the members voting in the minority.

IX. Any vote may be reconsidered at the same or next regular meeting, but not afterwards, except by unanimous vote.

X. Whenever transfers are made by this Board from any institution to which persons are committed under a mittimus, such transfer shall be understood as implying the following conditions necessary for the restraint of the persons so transferred, and the indemnification of the institution to which the transfer is made :—

First. The mittimus or warrant by virtue of which the transferred person was originally held, shall be also transferred to the Superintendent of the institution to which the inmate is sent.

Second. The expense of supporting such person shall be borne by the institution from which the transfer is made, and shall be computed at the average weekly cost of the inmates of the institution to which the transfer is made.

XI. The Board shall visit each of the institutions which are wholly or in part under the charge of the State, at least once in each year.

XII. Each member of the Board shall send to the General Agent a quarterly account of his travelling expenses.

COMMITTEES, REPORTS, ETC.

XIII. There shall be the following Committees :—

First. An Executive Committee to have charge of Finances, Transfers, Admissions and Discharges, to consist of the Chairman, General Agent and Secretary.

Second. A Committeee on Statistics.

Third. A Committee on Alien Passengers.

XIV. The Executive Committee shall have full power to make the examinations provided for by Section 6 of Chapter 209 of the Acts of 1866.

XV. The Executive Committee shall have power to make transfers, and grant temporary admissions to the

State Primary School, and the Superintendent thereof shall be instructed to receive all children thus transferred or admitted.

XVI. Lists of all such children shall be presented at the next subsequent meeting of this Board, and their permanent transfer or admission voted or refused, as the Board may think best.

XVII. Three years shall be assigned as the minimum age for pupils to enter the Primary School, and none shall be admitted under that age.

XVIII. All applications received for the discharge of pupils from the State Primary School, or of inmates from the State Workhouse, during the interim in the meetings of the Board, shall be referred to the Executive Committee for investigation, who shall report thereon for the action of the Board.

XIX. The General Agent shall have authority to make transfers to and from State almshouses and lunatic hospitals, in such numbers and at such times as he may deem expedient.

XX. The General Agent shall have authority to examine all applications to this Board, relating to the estate of deceased State paupers, and report thereon for the action of the Board.

XXI. The General Agent shall report to this Board, at the monthly meetings, the names and cases of all persons sentenced to the State Workhouse during the previous month, with such remarks as may be necessary in regard to them.

XXII. Weekly reports shall be required from the State pauper establishments and lunatic hospitals, and monthly reports from other State institutions.

XXIII. Lunatic Hospitals shall be required to report each week, the admissions, discharges, etc., of their town and private patients, as well as of their State patients.

XXIV. These By-Laws may be amended at any regular or special meeting, a majority of the Board voting therefor: *provided*, notice thereof shall have been given at a previous meeting.

APPENDIX.

STATE INDUSTRIAL SCHOOL FOR GIRLS.

[General Statutes, Chapter 75.]

Government of school vested in seven trustees. How appointed; tenure of office; compensation. 1863, c. 240. 1868, c. 153.

SECT. 1. The government of the state industrial school for girls shall be vested in a board of seven trustees appointed and commissioned by the governor with the advice and consent of the council, subject to removal only for sufficient cause. The trustees now in office shall continue to hold their offices until the terms thereof expire according to the provisions of this section. On the first Wednesday of February in each year the terms of office of the two senior members as they stand arranged on the list of their appointments shall terminate, and the names of the persons appointed to fill the vacancies shall be placed at the bottom of the list. Other vacancies may at any time be filled, and the names of the persons appointed shall be substituted in the list for the remainder of the vacant terms. The trustees shall receive no compensation for their services, but shall be allowed all expenses incurred by them in the discharge of their duties.

Duty of trustees, &c. By-laws. 1863, c. 240. 1868, c. 153.

SECT. 2. The board shall take charge of the general interests of the institution, see that its affairs are conducted in accordance with the requirements of the legislature, and such by-laws as the board may adopt, and that strict discipline is maintained therein; provide employment for the inmates, and bind out, discharge, or remand them, as is hereinafter provided; exercise a vigilant supervision over the institution, its officers, and inmates; appoint a superintendent and chaplain, and such matrons, assistants, teachers, and other officers, as in its judgment the wants of the institution may require, and prescribe their duties; remove them at pleasure and appoint others in their stead; and determine the salaries to be paid to the officers, subject in all cases to the approval of the governor and council. The by-laws may be amended by the consent of five members of the board at a legal meeting; but no alteration shall be valid until approved by the governor and council.

Treasurer, appointment and bond of.

SECT. 3. There shall be a treasurer appointed by the governor and council, who shall before he enters upon the discharge of his duties give a bond to the Commonwealth, with sureties satisfactory to the governor and council, in the sum of three thousand dol-

lars, conditioned that he shall faithfully account for all money received by him as treasurer; which bond when approved shall be filed in the office of the treasurer of the Commonwealth.

—to hold and invest legacies, &c.

SECT. 4. The treasurer shall receive, hold, and invest, for the benefit of the school, all legacies, devises, and donations, to or on account of the school, subject to such regulations as may be established from time to time by the trustees.

Commissioners to be appointed, who, with judges of probate, shall have jurisdiction under this chapter.

SECT. 5. The governor with the advice and consent of the council, upon request of the mayor and aldermen, selectmen, or overseers of the poor of any city or town, shall appoint and commission in the same manner as justices of the peace are appointed and commissioned, one or more suitable persons residing in such city or town, who shall have authority therein to hear and determine complaints and make commitments under this chapter; and judges of the probate courts shall have like authority within their respective counties.

Girls between seven and sixteen may be committed; arrest, summons to parents, &c. 1861, c. 200. 1863, c. 199.

SECT. 6. When a girl between the ages of seven and sixteen years is brought by a constable, police officer or other inhabitant of this state, before such judge or commissioner, upon complaint that she has committed an offence punishable by fine or imprisonment other than by imprisonment for life, or that she is leading an idle, vagrant, or vicious life, or has been found in any street, highway, or public place, in circumstances of want and suffering, or of neglect, exposure, or abandonment, or of beggary, the judge or commissioner shall issue a summons to the father of said girl, if he is living and resident within the place where she was found, and if not, then to her mother if she is living and so resident; and if there is no such father or mother, to the lawful guardian of said girl, if any there is so resident, or if not, to the person with whom according to her own statement and such testimony as shall be received she resides; and if there is no person with whom she statedly resides, the judge or commissioner may appoint some suitable person to act in her behalf, requiring him or her to appear at a time and place stated in the summons, to show cause, if any there is, why said girl shall not be committed to said institution.

Examination, trial, commitment. 1861, c 116. 1862, c. 9. 1864, c. 290.

SECT. 7. At the time mentioned in the summons, the judge or commissioner shall proceed to examine the girl and any party appearing in answer to the summons, and to take such testimony in relation to the case as may be produced. If the allegations are proved, and it appears that the girl is a suitable subject for said institution, and that her moral welfare and the good of society require that she should be sent thereto for in-

struction, employment, or reformation, he shall commit her by warrant in substance as follows:—

Form of warrant.

To (A. B.,) one of the constables (or police officers) of the city (or town) of . You are hereby commanded to take charge of C. D., a girl between the ages of seven and sixteen years, who has been proved to me to be a suitable subject for the state industrial school for girls, and a proper object for its care, discipline, and instruction, and deliver said girl, without delay, to the superintendent of said school, or other person in charge thereof, at the place where the same is established. And for so doing this shall be your sufficient warrant.

Dated this day of 18 , (in the county of , in the Commonwealth of Massachusetts.)

Variance from form, when not material.

But no variance from said form shall be deemed material if it sufficiently appears upon the face thereof, that the girl is committed by the magistrate in the exercise of the powers given to him by this chapter. The warrant shall be executed by a constable or police officer of the place where the case is heard. Accompanying the warrant, the magistrate shall transmit to superintendent, by the officer serving it, a statement of the substance of the complaint and testimony given in the case.

Service of summons.

SECT. 8. Summonses to appear before a judge or commissioner as aforesaid, shall be served by a constable or police officer, by delivering the same personally to the party to whom it is addressed, or leaving it with some person of sufficient age at the place of residence or business of such party; and said constable or police officer shall immediately make return to the same magistrate of the time and manner of such service.

Courts may transfer girls held for criminal offences to judges or commissioners. 1863, c. 199.

SECT. 9. When a girl betweeen seven and sixteen years of age is brought for trial before a trial justice or court of criminal jurisdiction, charged with an offence which may be punished by fine or imprisonment, and the justice or court is of opinion that if found guilty she would be a fit and proper subject for said school, a decree to that effect shall be entered of record; and thereupon such justice or court shall by a warrant cause such girl to be brought forthwith before some judge or commissioner authorized to commit girls to the school, and transmit to him the complaint or indictment and warrant by virtue of which she has been arrested, and he shall thereupon have the same jurisdiction and power as if she had been brought before him upon an original complaint.

Second commitment may be made without

SECT. 10. If a girl previously committed to the school is brought before a judge or commissioner upon any allegation set forth in section six, he may examine

the case and issue his warrant for committing her to the school without having issued the summons required in said section. summons to parents. 1863, c. 199.

SECT. 11. The fees and compensation allowed to judges and commissioners under this chapter, shall be the same as by law are allowed to trial justices; and all officers serving process shall be allowed the same fees as they are entitled to for serving process in criminal proceedings. Fees of judges and officers. 1861, c. 116.

SECT. 12. Any girl ordered to be committed to the school may appeal from such order in the manner provided in respect to appeals from trial justices. And the case shall be entered, tried, and finally determined, in the court to which the appeal is made. Appeal allowed.

SECT. 13. Any girl committed to the school shall there be kept, disciplined, instructed, employed, and governed, under the direction of the trustees, until she is bound out, or arrives at the age of eighteen years, or is otherwise legally discharged. Girls to be kept until bound out, &c. 1863, c. 184. 1864, c. 290. 1865, c. 198, § 6.

SECT. 14. The trustees shall discharge and return to her parents, guardian, or protector, any girl who, in their judgment, ought for any cause to be removed from the school. And in such case the trustees shall make an entry upon their records of her name, the party to whom she was returned, and the date when she left the school, together with a statement of the reasons for her discharge; a copy of which record, signed by their secretary, they shall forthwith transmit to the judge or commissioner by whom the girl was committed. Trustees may discharge girls.

SECT. 15. The trustees may bind out as an apprentice or servant any girl committed to their charge, for a term not longer than until she arrives at the age of eighteen years; and the master to whom the girl is bound shall by the terms of the indenture be required to report to the trustees as often as once in every six months, her conduct and behavior, and whether she is still living under his care, and if not where she is. And the trustees, and master or mistress, apprentice or servant, shall respectively have all the rights and privileges and be subject to all the duties set forth in chapter one hundred and eleven, in the same manner as if said binding or apprenticing were made by overseers of the poor. —may bind them out, &c. 1869, c. 453.

SECT. 16. A person receiving an apprentice under the provisions of this chapter, shall not assign or transfer the indenture of apprenticeship, nor let out her services for any period, without the consent in writing of the trustees. If the master for any cause desires to be relieved from the contract, the trustees upon application may in their discretion cancel the indenture and Indenture of apprenticeship not to be assigned, except, &c., may be cancelled. 1869, c. 453.

resume the charge and management of the girl, and shall have the same power and authority in regard to her as before the indenture was made.

Discharge of girl, when master is guilty of cruelty, &c. 1869, c. 453.

SECT. 17. If a master is guilty of cruelty or misusage towards a girl so bound to service, or of any violation of the terms of the indenture, the girl or trustees may make complaint to a judge or commissioner aforesaid, who shall summon the parties before him and examine into the complaint; and if it appears to be well founded, he shall by certificate under his hand discharge the girl from all obligations of future service, and restore her to the school to be managed as before her indenture.

Assignment of indenture upon death of master. 1869, c. 453.

SECT. 18. Upon the death of the master to whom a girl is so bound to service, his executor or administrator, with the consent of the girl in writing, acknowledged by her and approved by the trustees, may assign the indenture to some other person; which assignment shall transfer to and vest in the assignee all rights and subject him to all responsibilities of the original contract.

Trustees to be guardians of girls so bound out. 1863, c. 184. 1869, c. 453.

SECT. 19. The trustees shall be the guardians of every girl so bound or held for service, shall take care that the terms of the contract are faithfully fulfilled, and that she is properly treated; and they shall especially inquire into the treatment of every such girl and cause any grievance to be redressed.

Instruction, &c., of girls; selection of masters when binding out girls. 1866, c. 198, § 6.

SECT. 20. They shall cause the girls under their charge to be instructed in piety and morality, and in such branches of useful knowledge as are adapted to their age and capacity, and in some regular course of labor, either mechanical, manufacturing, or horticultural, or a combination of these, and especially in such domestic and household labor and duties as are best suited to their age, strength, disposition, and capacity; and in such other arts, trades, and employments, as may seem to the trustees best adapted to secure their reformation, amendment, and future benefit. In binding out girls they shall have scrupulous regard to the religious and moral character of those to whom it is proposed to bind them, that they may secure to the girls the benefits of good example and wholesome instruction, and the best means of improvement in virtue and knowledge, and the opportunity of becoming intelligent, moral, useful, and happy women.

Duties of superintendent. 1868, c. 153.

SECT. 21. The superintendent, with such subordinate officers as the trustees may appoint, shall have the general charge and custody of the girls. He shall be a constant resident at the school, and under the direction of the trustees shall discipline, govern, instruct, and employ, and use his best endeavors to reform, the inmates

in such manner as shall, while preserving their health and promoting the proper development of their physical system, secure the formation as far as possible of moral, religious, and industrious habits, and regular thorough progress and improvement in their studies, trades, and employments.

—bond, accounts, &c., of.

SECT. 22. He shall before he enters upon the duties of his office give a bond to the Commonwealth, with sureties satisfactory to the governor and council, in the sum of two thousand dollars, conditioned that he shall faithfully perform all his duties and account for all moneys received by him as superintendent; which bond when approved shall be filed in the office of the treasurer of the Commonwealth. He shall have charge of all the property pertaining to the school within the precincts thereof, and under the direction of the trustees shall make purchases of books with the income and profits, and according to the terms of the donation of Henry B. Rogers. He shall keep in suitable books complete accounts of all his receipts and expenditures, and of all property intrusted to him, showing the income and expenses of the institution; and shall account to the treasurer in such manner as the trustees may require for all money received by him. His books, accounts, and documents, relating to the school, shall at all times be open to the inspection of the trustees, who shall at least once in every six months carefully examine the same, and the vouchers and documents connected therewith, and make a record of the result of such examination. He shall keep a register containing the name and age of each girl, and as far as practicable the circumstances connected with her history to the time of her admission to the school; and he shall add thereto such facts as may come to his knowledge, relating to her history while at the institution and after leaving it.

Register of girls to be kept.

Superintendent to make all contracts in writing.

SECT. 23. All contracts on account of the institution shall be made by the superintendent, in writing, and approved by the trustees, if their by-laws require it; and the superintendent or his successor may sue or be sued thereon to final judgment and execution. No suit shall abate by reason of the office of superintendent becoming vacant, but any successor in office may take upon himself the prosecution or defence thereof; and upon motion of the adverse party and notice, he shall be required to do so.

Suits on.

* * * * * * *

Examination of school. Records; reports; treasurer's accounts.

SECT. 25. One or more of the trustees shall visit the school at least once in every two weeks; at which time the girls shall be examined in the school-rooms and workshops, and the register inspected. A record shall be kept of these visits in the books of the superintend-

1868, c. 153.

ent. Once in every three months, the school in all its departments shall be thoroughly examined by a majority of the trustees, and a report thereof made to the board. On or before the fifteenth day of October in each year an abstract of the quarterly reports shall be prepared, which, together with a full report by the superintendent, and a list of the salaried officers and their salaries, and, in a tabular form, under the heads specified in section eleven of chapter five, the value of the stock and supplies, shall be laid before the governor and council for the information of the legislature. The treasurer shall also submit at the same time an accurate detailed account of the receipts and expenditures for the year terminating on the last day of the preceding month.

Trustees may expend money for houses, &c.; number not to exceed six.

SECT. 26. The trustees may expend any money given for the purpose, in erecting houses or other buildings on the lands of the state at Lancaster, for increasing the accommodation of the school, plans therefor being first approved by the governor and council; but the whole number of such houses shall not exceed six.

[Acts 1865, chapter 256.]

Towns to pay towards support of girls sent to Industrial School, &c.

SECT. 1. The city or town in which any girl committed to the state industrial school resides at the time of her arrest, upon notice and demand, shall quarterly, on the first days of January, April, July and October, pay to the treasurer of the school fifty cents a week during the time she remains therein. Any sum so paid may be recovered by such city or town of the parent, kindred or guardian liable by law to maintain her, or of the city or town in which she has her lawful settlement.

Repeal of G. S. 75, § 24.

SECT. 2. The twenty-fourth section of the seventy-fifth chapter of the General Statutes is hereby repealed.

THE STATE REFORM SCHOOL AT WESTBOROUGH.

TRUSTEES.

Government of school vested in seven trustees; appointment, tenure of office, compensation.

SECTION 1. The government of the State Reform School at Westborough shall be vested in a board of seven trustees, appointed and commissioned by the governor, with the advice and consent of the council, subject to removal only for sufficient cause. The trustees now in offices shall continue to hold their offices until the terms thereof expire according to the provisions of this section. On the first Wednesday of February in each year the terms of office of the two senior

members as they stand arranged on the list of their appointments shall terminate, and the names of the persons appointed to fill the vacancies shall be placed at the bottom of the list. Other vacancies may at any time be filled, and the names of the persons appointed shall be substituted in the list for the remainder of the vacant terms. Any person whose term of office expires may be reappointed. The trustees shall receive no compensation for their services, but shall be allowed all expenses incurred by them in the discharge of their duties.

Trustees to be a corporation.

SECT. 2. The trustees shall be a corporation by the name of the Trustees of the State Reform School, for the purpose of taking and holding, to themselves and their successors in trust for the Commonwealth, any grant or devise of lands and any donation or bequest of money or other personal property made for the use of said institution, and for the purpose of preserving and investing the proceeds thereof in good securities, with all powers necessary to carry said purposes into effect.

—to control buildings, &c.

SECT. 3. They shall have the control of the buildings erected for the purposes of the institution at Westborough, and the lands connected therewith.

—general powers and duties of. 1863, c. 240. 1866, c. 198, § 6.

SECT. 4. They shall take charge of the general interests of the institution; see that its affairs are conducted in accordance with the requirements of the legislature and such by-laws as the board may from time to time adopt, and that strict discipline is maintained therein; provide employment for the inmates and bind them out, discharge or remand them as herein provided; appoint a superintendent, steward, teacher or teachers, and such other officers as in their judgment the wants of the institution may require, and prescribe their duties; exercise a vigilant supervision over the institution, its officers and inmates; remove such officers at pleasure and appoint others in their stead; and determine the salaries to be paid to the officers, subject in all cases to the approval of the governor and council. The by-laws may be amended by the assent of five trustees at a legal meeting; but no alteration shall be valid until approved by the governor and council.

Trustees, duties of, as to instruction, discipline, &c.

SECT. 5. They shall cause the boys under their charge to be instructed in piety and morality, and in such branches of useful knowledge as are adapted to their age and capacity; and in some regular course of labor, either mechanical, manufacturing, agricultural, or horticultural, or a combination of these as is best suited to their age, strength, disposition and capacity; and in such other arts and trades as may seem best adapted to secure the reformation, amendment, and future benefit of the boys.

—may bind out boys, &c. 1869, c. 453.

SECT. 6. They may bind out boys committed to the school, as apprentices or servants, until they become twenty-one years of age, or for any less term; and the trustees, or master or mistress, apprentice or servant, shall respectively have the rights and privileges and be subjected to the duties set forth in chapter one hundred and eleven, in the same manner as if such binding or apprenticing were made by overseers of the poor. In binding out boys, they shall have scrupulous regard to the religious and moral character of those to whom they are to be bound, that they may secure to the boys the benefit of a good example and wholesome instruction, and the sure means of improvement in virtue and knowledge, and thus the opportunity of becoming intelligent, moral, useful and happy citizens.

—to visit school. Reports to be made; treasurer's account.

SECT. 7. One or more of the trustees shall visit the school at least once in every two weeks, at which time, the boys shall be examined in the school-room and workshop, and the register shall be inspected. A record shall be kept of these visits in the books of the superintendent. Once in every three months the school in all its departments shall be thoroughly examined by a majority of the trustees, and a report thereof made to the board on or before the fifteenth day of October in each year. An abstract of these quarterly reports shall be prepared, which, together with a full report by the superintendent, and a list of the salaried officers and their salaries, and in a tabular form under the heads specified in section eleven of chapter five, the value of the stock and supplies shall be laid before the governor and council for the information of the legislature. The treasurer shall also submit at the same time an accurate detailed account of the receipts and expenditures for the year terminating on the last day of the preceding month.

SUPERINTENDENT.

Superintendent, powers and duties of.

SECT. 8. The superintendent, with such subordinate officers as the trustees may appoint, shall have the charge and custody of the boys. He shall be a constant resident at the institution, and shall discipline, govern, instruct, employ, and use his best efforts to reform, the inmates, in such manner as while preserving their health will secure the formation as far as possible of moral, religious and industrious habits, and regular thorough progress and improvement in their studies, trades and employments.

—to have charge of property, give bonds,

SECT. 9. He shall before entering upon his duties give a bond to the Commonwealth, with sureties satisfactory to the governor and council in the sum of two thousand

dollars, conditioned that he shall faithfully perform all his duties and account for all money received by him as superintendent, which bond shall be filed in the office of the treasurer of the Commonwealth. He shall have charge of all the property of the institution within the precincts thereof. He shall keep in suitable books complete accounts of all his receipts and expenditures, and of all property intrusted to him, showing the income and expenses of the institution; and he shall account to the treasurer in such manner as the trustees may require for all money received by him. His books and all documents relating to the school shall at all times be open to the inspection of the trustees, who shall at least once in every six months carefully examine the books and accounts and the vouchers and documents connected therewith and make a record thereof, He shall keep a register, containing the name, age, and circumstances connected with the early history of each boy, and shall add such facts as come to his knowledge relating to his history while at the institution and after leaving it. keep books, &c.

SECT. 10. He shall, in writing, make all contracts on account of the institution, with the approval of the trustees, if their by-laws require it; and he or his successor may sue or be sued thereon to final judgment and execution. No suit shall abate by reason of the office of superintendent becoming vacant, but any successor in office may take upon himself the prosecution or defence thereof, and upon motion of the adverse party and notice he shall be required so to do. Superintendent to make contracts, &c. Suits.

TREASURER.

SECT. 11. There shall be a treasurer appointed by the governor and council for three years, unless sooner removed for sufficient cause, who shall, before entering upon the discharge of his duties, give a bond to the Commonwealth, with sureties satisfactory to the governor and council, in the sum of three thousand dollars, conditioned that he shall faithfully account for all money received by him as treasurer; which bond shall be filed in the office of the treasurer of the Commonwealth. Treasurer, appointment and bond of.

THE MASSACHUSETTS NAUTICAL SCHOOL.*

SECT. 12. The nautical branch of the State Reform School shall be vested in a board of five trustees; it Nautical branch. Separate officers, &c.

* Name established by Act 1867, c. 260.

1865, c. 224, §§ 1, 2, 5.

shall have separate officers, appointed in like manner, with like powers and duties, and subject to like obligations as similar officers of said school; and the foregoing provisions shall, so far as applicable, apply to said branch, except as is hereinafter otherwise provided.

Trustees, appointment and tenure of office of. 1865, c. 224, §§ 2, 3, 4, 5.

SECT. 13. The trustees now in office shall continue to hold their offices according to the tenor of their commissions. The governor, with the advice and consent of the council, shall annually appoint one trustee for the term of three years from the first Wednesday in February, and the Boston Board of Trade and the Boston Marine Society shall each annually appoint one trustee for the term of one year from said date. Appointments to fill vacancies for unexpired terms shall be made in the same manner as the original appointments. Any person whose term expires may be reappointed. The trustees shall receive no compensation for their services, but shall be allowed all expenses incurred by them in the discharge of their duties. They shall be removable only for sufficient cause.

—to be a corporation, &c. 1867, c. 260.

SECT. 14. The trustees shall be a corporation by the name of the Trustees of the Nautical Branch of the State Reform School, for the purpose of taking and holding, to themselves and their successors, in trust for the Commonwealth, any grant or devise of lands and any donation and bequest of money or other personal property, made for the use of said institution, and for the purpose of preserving and investing the proceeds thereof in good securities, with all powers necessary to carry said purposes into effect.

—to have control of school-ship, &c. 1863, c. 240. 1866, c. 198, § 6.

SECT. 15. The trustees shall have the control of the school-ship and other vessels procured for the institution, and shall cause the boys under their charge to be instructed in navigation and the duties of seamen. They may send any boy upon a voyage at sea, and in his behalf, enter into any contract necessary therefor; and such action shall operate as a discharge of the boy from the institution.

Superintendent to be master of the school-ship.

SECT. 16. The superintendent shall be master of the school-ship, and may navigate the ship, and any tender thereof, and transport the same into and upon any of the ports and waters of the Commonwealth.

COMMITMENTS.

Commitments to school.

SECT. 17. When a boy under the age of sixteen years is brought by a constable, police officer, or other inhabitant of this state, before a judge of the probate court, or superior court, upon complaint that he has committed an offence which may be punished by imprisonment, other than imprisonment for life, the judge shall issue

a summons to the father of the boy, if he is living and resident within the place where the boy was found, and if not, then to his mother if she is living and so resident; and if there is no such father or mother, to the lawful guardian of said boy, if any there is so resident, or if not, to the person with whom, according to his own statement and such testimony as shall be received, he resides; and if there is no person with whom he statedly resides, the judge may appoint some suitable person to act in his behalf; requiring him or her to appear at a time and place stated in the summons, to show cause, if any there is, why said boy shall not be committed to the State Reform School or the nautical branch thereof. And the judge shall also cause notice of the pendency of the complaint to be given to the mayor of the city, or to one of the selectmen of the town, where the boy resides. Proceedings. 1861, c. 200. 1863, c. 139, § 3. 1863, c. 199. 1864, c. 202, § 1. 1869, c. 453.

SECT. 18. At the time mentioned in the summons, the judge shall proceed to examine the boy and any party appearing in answer to the summons, and to take such testimony in relation to the case as may be produced. If the allegations are proved, and it appears that the boy is a suitable subject for said school, and that his moral welfare and the good of society require that he should be sent thereto for instruction, employment, or reformation, he shall commit the boy, if below the age of fourteen years, to the State Reform School or the nautical branch thereof, as he deems best, and if above that age to the nautical branch of said school, by a warrant in substance as follows:— Same subject. 1862, c. 9. 1864, c. 202, §§ 1, 2. 1869, c. 453.

To (A. B.) one of the constables (or police officers) of the city (or town) of You are hereby commanded to take charge of C. D., a boy under the age of sixteen years, to wit, of the age of as near as can be ascertained, who at the time of his arrest resided in and who has been proved to me to be a suitable subject for the State Reform School, (or the nautical branch of the State Reform School,) and a proper object for its care, discipline and instruction, and deliver said boy without delay to the superintendent of said school, or other person in charge thereof, at the place where the same is established. And for so doing this shall be your sufficient warrant. Form of warrant.

Dated this day of , 18 , at , (in the county of , in the Commonwealth of Massachusetts.)

But no variance from said form shall be deemed material if it sufficiently appears upon the face thereof that the boy is committed by the judge in the exercise of the powers given to him by this chapter.

SECT. 19. The judge shall certify in the warrant the place in which the boy resided at the time of his arrest, and such certificate for the purposes of this chapter shall be conclusive evidence of his residence. He shall Judge to certify residence, age, &c.

also state therein the age of the boy, as near as he can ascertain. Accompanying the warrant the judge shall transmit to the superintendent, by the officer serving it, a statement of the substance of the complaint and testimony given in the case, together with such other particulars concerning the boy as the judge is able to ascertain.

Service of warrant, &c. 1862, c. 9. 1863, c. 139, § 3.

SECT. 20. The warrant shall be executed by a constable or police officer of the place where the case was heard. Any summons to appear before a judge as aforesaid shall be served by a constable or police officer, by delivering an attested copy of the same personally to the party to whom it is addressed, or leaving it with some person of sufficient age at the place of residence or business of such party; and said constable or police officer shall immediately make return to same judge of the time and manner of such service.

Duties of justice before whom boy is brought for trial. 1863, c. 139, § 3. 1863, c. 199. 1864, c. 202, § 1. 1869, c. 453.

SECT. 21. When a boy under sixteen years of age is brought for trial before a trial justice or police court, charged with an offence which may be punished by imprisonment other than imprisonment for life, and the justice or court is of opinion, or any person makes affidavit, that if found guilty he would be a fit and proper subject for the state reform school or the nautical branch thereof, a decree to that effect shall be entered of record, and thereupon such justice or court shall cause notice of the proceedings to be given to the mayor of the city or one of the selectmen of the town where the boy resided at the time of his arrest, and shall by a warrant cause the boy to be brought forthwith before the judge of the probate court, or a judge of the superior court if within the county, and transmit to him the complaint and warrant by virtue of which he was arrested. The judge shall thereupon have the same jurisdiction and powers as if the boy had been brought before him upon an original complaint.

Second commitment. 1863, c. 199.

SECT. 22. If a boy previously committed to the school is again brought before any judge under the provisions of this chapter, the judge may examine the case and issue his warrant for committing him to either branch of the school without issuing the summons required by section seventeen.

Unfit subjects may be held for trial in superior court. 1869, c. 453.

SECT. 23. If the judge is of opinion that a boy brought before him is guilty, and is not a fit subject for either branch of the school, he shall, if the offence charged is one within the jurisdiction of police courts, sentence him to such punishment as is provided by law for the offence, otherwise he shall bind him over to appear before the superior court for the same county, as police courts may do in like cases.

Appeal, &c.

SECT. 24. Any boy ordered to be committed to either branch of the school, or convicted and sentenced as aforesaid, may appeal to the superior court; and the appeal shall be had, entered, tried, and determined, in like manner and subject to like provisions as appeals from justices of the peace in criminal cases.

Fees of judges, &c.

SECT. 25. The fees and compensation allowed to judges under this chapter shall be the same as by law are allowed to justices of the peace; and all officers serving process shall be allowed the same fees as they are entitled to for serving process in criminal proceedings.

Courts may sentence boys to school, &c.

SECT. 26. When a boy under the age of sixteen years is convicted in the supreme judicial or superior court of any offence which may be punished by imprisonment other than imprisonment for life, the court may sentence him, if below the age of fourteen years, to the state reform school or the nautical branch thereof, as it deems best, and if above that age to the nautical branch of said school, or in either case to such punishment as is otherwise provided by law. Before passing such sentence the court shall cause notice of the pendency of the case to be given to the mayor of the city or one of the selectmen of the town where the boy resided at the time of his arrest. The provisions of section nineteen shall apply to commitments under this section.

Notice before sentence. 1864, c. 202. §§ 1, 2.

CONFINEMENT AND DISCHARGE.

Term of commitment.

SECT. 27. Any boy committed to the state reform school or the nautical branch thereof shall be there kept, disciplined, instructed, employed, and governed, under the direction of the trustees, until he arrives at the age of twenty-one years, or is bound out, or discharged as reformed, or otherwise legally discharged. The discharge of a boy as reformed, or his being sent on a voyage at sea, or arriving at the age of twenty-one years, shall be a complete release from all penalties and disabilities created by the sentence.

Discharge, &c.

TRANSFER OF INMATES.

Boys may be transferred, &c. 1866, c. 198, § 6.

SECT. 28. By consent of the trustees of the state reform school and the nautical branch thereof, or by direction of the governor, any boy may be transferred by the superintendent from one institution to the other; but no boy who was an inmate of the school on the twenty-sixth day of November in the year eighteen hundred and fifty-nine shall be transferred without his consent.

SUPPORT OF INMATES BY CITIES AND TOWNS.

Support by towns. Liability of kindred.

SECT. 29. When a boy is committed to either of said institutions, the city or town wherein he resided at the time of his arrest shall quarterly on the first days of January, April, July, and October, pay to the treasurer of the school fifty cents a week during the time he remains therein. And any sum so paid may be recovered by such city or town of any parent, kindred, or guardian liable by law to maintain him, or of the city or town in which he has his lawful settlement.

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